

EXHIBIT C

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHARLES BOYLE,)
Plaintiff,)
-vs-) No. 09 C 1080
UNIVERSITY OF CHICAGO)
POLICE OFFICER LARRY)
TORRES, et al.,)
Defendants.)

The deposition of CLARENCE MOORE, called for examination pursuant to the Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before ATHANASIA MOURGELAS, a notary public within and for the County of Cook and State of Illinois, at 222 North LaSalle Street, Suite 300, Illinois, on the 10th day of November, 2009, at the hour of 2:22 o'clock p.m.

Reported by: Athanasia Mourgelas
License No. 084-004329

INDEX	
1	
2	WITNESS EXAMINATION
3	CLARENCE MOORE
4	By Mr. Ksiazek 6
5	By Ms. Gibbons 114
6	By Mr. Puszis 115
7	By Mr. Ksiazek (further) 130
8	
9	
10	
11	
12	
13	

EXHIBITS	
14	
15	NUMBER MARKED FOR ID
16	PLAINTIFF'S Deposition Exhibit
17	No. 11 102
18	No. 12 106
19	
20	
21	
22	
23	
24	

1

3

1 APPEARANCES:

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17
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23 Representing the Defendant,
24 City of Chicago.

2

1 (Whereupon, the deposition
2 commenced at 2:22 o'clock p.m.)
3 (Witness sworn.)
4 MR. KSIAZEK: Would you please state your
5 name for the record spelling your last name.
6 THE WITNESS: My name is Clarence, middle
7 initial E, last name is Moore, M-O-O-R-E.
8 MR. KSIAZEK: Mr. Moore, have you ever had
9 your deposition taken before?
10 THE WITNESS: Yes. But I don't recall how
11 long ago.
12 MR. KSIAZEK: Was it more than five years
13 ago?
14 THE WITNESS: Definitely.
15 MR. KSIAZEK: Okay. I'll just remind you of
16 a few of the ground rules for a deposition since
17 it's been a little while. Basically I'm going
18 to ask you some questions about the incident
19 that happened on October 18th, 2008. I'm going
20 to ask that you answer my questions to the best
21 of your knowledge and answer all my questions
22 truthfully. Okay?
23 THE WITNESS: Yes.
24 MR. KSIAZEK: And if you answer my

4

1 (Pages 1 to 4)

<p>1 questions, I'll have to assume that you</p> <p>2 understood my question. And if there's any</p> <p>3 question that you don't understand for any</p> <p>4 reason, just let me know, and I'll rephrase or</p> <p>5 I'll try and re-ask it another way. Okay?</p> <p>6 THE WITNESS: Okay.</p> <p>7 MR. KSIAZEK: When I'm asking my questions,</p> <p>8 I will -- there will be some points when I</p> <p>9 might -- I'm sorry, you might answer uh-uh or</p> <p>10 uh-huh or shake your head, so please try and</p> <p>11 answer all questions verbally like you're doing</p> <p>12 right now, that way the court reporter can pick</p> <p>13 up all your answers. Okay?</p> <p>14 THE WITNESS: No problem.</p> <p>15 MR. KSIAZEK: And I will try not -- and I'll</p> <p>16 do my best to not talk over you. I just ask</p> <p>17 that you do the same for me when I'm asking a</p> <p>18 question and I'll try not to talk over you when</p> <p>19 you're giving your answer. If that does happen,</p> <p>20 then -- we just need to have a clear transcript,</p> <p>21 so I'll do my best and you can just re-state</p> <p>22 your answer if that happens. Okay?</p> <p>23 THE WITNESS: No problem.</p> <p>24 MR. KSIAZEK: And also, if you need to take</p>	<p>1 this matter?</p> <p>2 A. No.</p> <p>3 Q. Is there anything preventing you from</p> <p>4 testifying truthfully today?</p> <p>5 A. No.</p> <p>6 Q. What's your educational background?</p> <p>7 A. One year of college.</p> <p>8 Q. Where did you attend college?</p> <p>9 A. Western Michigan University, Kalamazoo,</p> <p>10 Michigan.</p> <p>11 Q. When did you attend Western Michigan</p> <p>12 University?</p> <p>13 A. 1971 and 1972.</p> <p>14 Q. And what degree were you seeking when</p> <p>15 you attended Western Michigan University for one</p> <p>16 year?</p> <p>17 A. I think I majored in poli-sci and</p> <p>18 business administration.</p> <p>19 Q. Is there a reason why you only attended</p> <p>20 for one year?</p> <p>21 A. I couldn't afford it.</p> <p>22 Q. How tall are you, sir?</p> <p>23 A. 5', 9".</p> <p>24 Q. And how much do you weigh?</p>
<p>1 a break at any point when I'm asking you a</p> <p>2 question, feel free to say that you want to take</p> <p>3 a break. Just before you take that break, make</p> <p>4 sure that you have answered any pending</p> <p>5 questions that are out there. Okay?</p> <p>6 THE WITNESS: Okay.</p> <p>7 CLARENCE MOORE,</p> <p>8 having been first duly sworn, was examined and</p> <p>9 testified as follows:</p> <p>10 EXAMINATION</p> <p>11 BY MR. KSIAZEK:</p> <p>12 Q. What documents did you review in</p> <p>13 preparation for your deposition today?</p> <p>14 A. My court testimony and Answers to</p> <p>15 Interrogatories.</p> <p>16 Q. Are you referencing your testimony on</p> <p>17 January 20th, 2009?</p> <p>18 A. You know, I didn't check the date.</p> <p>19 Q. But that was at the motion to suppress</p> <p>20 hearing, is that what you're speaking of?</p> <p>21 A. Yes.</p> <p>22 Q. And your interrogatories you said?</p> <p>23 A. Yes.</p> <p>24 Q. Did you review any police reports in</p>	<p>1 A. 200.</p> <p>2 Q. Did you weigh about 200 pounds in</p> <p>3 October of 2008?</p> <p>4 A. Yeah, 205.</p> <p>5 Q. And how old are you?</p> <p>6 A. 56 years old.</p> <p>7 Q. What is your current position?</p> <p>8 A. Currently I'm full-time employment with</p> <p>9 the University of Chicago, Sergeant of Police.</p> <p>10 Q. How long have you worked for the</p> <p>11 University of Chicago as a police officer?</p> <p>12 A. Full-time?</p> <p>13 Q. Sure. Well, in total actually?</p> <p>14 A. Well, there's a break in there -- in</p> <p>15 total? I'm trying to figure it out.</p> <p>16 Q. No problem.</p> <p>17 A. Well, from August 9th to present. Then</p> <p>18 from the date of this incident, then sometime in</p> <p>19 there I was laid off. So there was a period --</p> <p>20 August 9th to present is what?</p> <p>21 Q. August 9th of 2009?</p> <p>22 A. Yes. And part-time prior to that.</p> <p>23 Probably two or three months. It's an estimate.</p> <p>24 Q. So just to recap, August 9th to the</p>

<p>1 present, you've worked full-time for the 2 University of Chicago? 3 A. Uh-huh. 4 Q. That's a yes? 5 A. Yes. 6 Q. Have you been a sergeant from August 7 9th, 2009 to the present? 8 A. Yes. 9 Q. And then when was the date prior to 10 August 9th, 2009 when you last worked for the 11 University of Chicago? 12 A. I started October 9th, the night of 13 this incident was my first day, and I believe it 14 was in May that that part-time ended, May of 15 2009. And I'm guessing. 16 Q. Sure. And when you were part-time at 17 the University of Chicago, what was your rank 18 from 2007 to May of 2009? 19 A. Patrol officer. 20 Q. You said you were working -- actually, 21 where were you working in between May of 2009 22 and August of 2009? 23 A. I'm sorry? 24 Q. Where were you working from May of 2009</p> <p style="text-align: right;">9</p>	<p>1 A. Yes. 2 Q. Okay. How long have you worked for the 3 Chicago police officer -- Chicago Police 4 Department? 5 A. 24 years. 6 Q. Do you still work for the Chicago 7 Police Department? 8 A. No. 9 Q. So when was your last day at the 10 Chicago Police Department? 11 A. August 8th, 2009. 12 Q. So if I have my dates correct, you 13 started at the Chicago Police Department 14 approximately 1975? 15 A. No. 16 Q. When did you start? 17 A. May 6th, 1985. 18 Q. So May 6th, 1985, what was your rank 19 when you started at the Chicago Police 20 Department? 21 A. I started as a patrol officer. 22 Q. What was the highest rank that you 23 achieved at the Chicago Police Department? 24 A. Patrol officer.</p> <p style="text-align: right;">11</p>
<p>1 to August of 2009? 2 A. I don't understand that question, where 3 was I working. 4 Q. Yeah. Did you have a job during that 5 time? You said you were -- you've been working 6 for the University from August 9th to the 7 present; right? 8 A. Yes. 9 Q. And you worked part-time for the 10 University of Chicago from October 18th, 2007 to 11 May of 2009; right? 12 A. That's correct. 13 Q. Okay. So where were you working from 14 May of 2009 to August of 2009? 15 A. I'm still trying to get a clarity of 16 what you mean by where was I working. 17 MR. PUISZIS: Were you employed? 18 THE WITNESS: Was I employed somewhere else? 19 MR. PUISZIS: Yeah. 20 MR. KSIAZEK: Yeah. 21 THE WITNESS: Okay. Thank you. Yes, I was 22 a Chicago police officer. 23 BY MR. KSIAZEK: 24 Q. A Chicago police officer?</p> <p style="text-align: right;">10</p>	<p>1 Q. Did you have a beat that you were 2 assigned to when you first started? 3 A. Started where, sir? 4 Q. At the Chicago Police station -- 5 Chicago -- 6 MR. PUISZIS: 24 years ago, you want to know 7 what the beat was? Is it really relevant? 8 BY MR. KSIAZEK: 9 Q. What was your beat when you left in 10 August of 2009? 11 A. I didn't have a beat. 12 Q. What was your assignment? 13 A. I was in the Traffic Safety Unit. 14 Q. How long were you a traffic safety 15 officer for? 16 A. I wasn't a traffic safety officer but I 17 was in the unit from '98 until I left -- no -- 18 yes, '98 until I left. I was a driving 19 instructor, and I did traffic safety 20 presentations. 21 Q. You said you were a patrol officer, did 22 you go on patrol while you were a traffic 23 safety -- 24 MR. PUISZIS: Objection, he's told you --</p> <p style="text-align: right;">12</p>

<p>1 well, you can go ahead and answer the question</p> <p>2 again about what you did as a traffic safety</p> <p>3 officer.</p> <p>4 BY MR. KSIAZEK:</p> <p>5 Q. Did you patrol the streets?</p> <p>6 A. As a traffic safety officer?</p> <p>7 Q. Yes.</p> <p>8 A. No.</p> <p>9 Q. Why did you start work part-time for</p> <p>10 the University of Chicago Police Department?</p> <p>11 A. Extra income.</p> <p>12 Q. And why did -- the first time that you</p> <p>13 began working for the University of Chicago, why</p> <p>14 did you leave in May of 2009?</p> <p>15 A. I was laid off.</p> <p>16 Q. How many hours were you working when</p> <p>17 you were working part-time for the University of</p> <p>18 Chicago?</p> <p>19 A. I have no idea. It was nothing</p> <p>20 consistent.</p> <p>21 Q. On average, can you say how many hours</p> <p>22 a week did you work?</p> <p>23 A. A week, no, I can't tell you.</p> <p>24 Q. How about in a month?</p> <p style="text-align: right;">13</p>	<p>1 as you said?</p> <p>2 A. That is correct.</p> <p>3 Q. Did you attend any training before</p> <p>4 going out on patrol on October 18th, 2008 at the</p> <p>5 University of Chicago?</p> <p>6 A. Prior to?</p> <p>7 Q. Yes.</p> <p>8 A. No. That was my training day.</p> <p>9 Q. So you were essentially being trained</p> <p>10 when you went out on your patrol on October</p> <p>11 18th, 2008?</p> <p>12 A. I need you to clarify what you mean by</p> <p>13 beat training.</p> <p>14 Q. Sure. You said that was my training on</p> <p>15 October 18th, 2008, what do you mean by that?</p> <p>16 A. I said that was a training day.</p> <p>17 Q. Okay. That was a training day, what do</p> <p>18 you mean by that?</p> <p>19 A. What I mean by that?</p> <p>20 Q. Yes.</p> <p>21 A. That was my first day out.</p> <p>22 Q. What was your understanding of what</p> <p>23 your training was going to be?</p> <p>24 A. To learn that patrol, that area.</p> <p style="text-align: right;">15</p>
<p>1 A. As I said before, I don't -- I can't</p> <p>2 tell you. It is a question that you're asking</p> <p>3 me right now and I have no recollection to give</p> <p>4 you an average of what I was working per month.</p> <p>5 It was nothing consistent.</p> <p>6 Q. Did you have -- were you assigned to a</p> <p>7 beat when you started at the University of</p> <p>8 Chicago as a police officer?</p> <p>9 MR. PUISZIS: I object. You know, what he</p> <p>10 did on any day after this occurrence would be</p> <p>11 irrelevant, but go ahead and answer the</p> <p>12 question.</p> <p>13 BY MR. KSIAZEK:</p> <p>14 Q. That's what I said when you first</p> <p>15 started at the University of Chicago, did you</p> <p>16 have a beat that you were assigned to?</p> <p>17 A. Yes.</p> <p>18 Q. What was the beat that you were</p> <p>19 assigned to?</p> <p>20 A. They varied.</p> <p>21 Q. What beat were you assigned to on</p> <p>22 October 18th, 2008?</p> <p>23 A. 109, Beat 109.</p> <p>24 Q. And this was your first day on the job</p> <p style="text-align: right;">14</p>	<p>1 Q. Anything else?</p> <p>2 A. No.</p> <p>3 Q. Did you have any training in regards to</p> <p>4 the policies and procedures of the University of</p> <p>5 Chicago Police Department prior to October 18th,</p> <p>6 2008?</p> <p>7 A. No.</p> <p>8 Q. Did you have any training about the</p> <p>9 policies and procedures of the University of</p> <p>10 Chicago Police Department on October 18th, 2008?</p> <p>11 A. I'm going to have to ask you to re-ask</p> <p>12 that question.</p> <p>13 Q. Sure. Did anyone sit down with you and</p> <p>14 say these are our policies and procedures that</p> <p>15 we follow on October 18th, 2008 at the</p> <p>16 University of Chicago?</p> <p>17 A. When you say anyone, can you be a</p> <p>18 little more specific on that question?</p> <p>19 Q. Did a fellow patrol officer sit down</p> <p>20 with you and go through the policies and</p> <p>21 procedures at the University of Chicago Police</p> <p>22 Department?</p> <p>23 A. Are you asking me did anyone go through</p> <p>24 all the policies and procedures with the</p> <p style="text-align: right;">16</p>

<p>1 University of Chicago?</p> <p>2 Q. I'm asking you if anyone at the</p> <p>3 University of Chicago Police Department sat down</p> <p>4 with you and explained any of the policies or</p> <p>5 procedures that they had at the University of</p> <p>6 Chicago Police Department on October 18th, 2008?</p> <p>7 A. To some extent.</p> <p>8 Q. Who sat down with you and explained to</p> <p>9 you the policies and procedures?</p> <p>10 A. Well, there's no sit down. Officer</p> <p>11 Torres was assigned with me that night. And</p> <p>12 during the course of that night, he gave me some</p> <p>13 information about the beats and things like</p> <p>14 that.</p> <p>15 Q. Okay. So he gave you information about</p> <p>16 the beat, what information did he give you?</p> <p>17 A. Talked about the University police</p> <p>18 boundaries in terms of where they patrol. We</p> <p>19 talk about different codes.</p> <p>20 Q. Did you talk about any arrest</p> <p>21 procedures?</p> <p>22 A. No, not that I recall.</p> <p>23 Q. Did you talk about any detaining</p> <p>24 procedures?</p> <p style="text-align: right;">17</p>	<p>1 Q. Well, I'm talking about any policies</p> <p>2 and procedures. I'm talking about detaining.</p> <p>3 I'm talking about what your duties are.</p> <p>4 MR. PUISZIS: The thing is he's been a</p> <p>5 police officer for 20 years beforehand. And if</p> <p>6 you're talking about policies and procedures as</p> <p>7 opposed to general orders, you're talking light</p> <p>8 years differ so --</p> <p>9 BY MR. KSIAZEK:</p> <p>10 Q. Okay. Let's go this way. Did you look</p> <p>11 at any general orders before you went out on</p> <p>12 patrol on October 18th, 2008?</p> <p>13 A. No.</p> <p>14 MS. GIBBONS: Objection, vague.</p> <p>15 BY MR. KSIAZEK:</p> <p>16 Q. Did Officer Torres say anything to you</p> <p>17 prior to going out on your patrol that day about</p> <p>18 the training that you were going to undertake?</p> <p>19 A. I don't recall.</p> <p>20 Q. And what shift were you working on</p> <p>21 October 18th, 2008?</p> <p>22 A. The first watch.</p> <p>23 Q. Does that start at midnight?</p> <p>24 A. I believe it was 11:00 to 7:00, 11:00</p> <p style="text-align: right;">19</p>
<p>1 A. No, not that I recall.</p> <p>2 Q. Was the only one that you talked to on</p> <p>3 October -- was Officer Torres the only one you</p> <p>4 talked to on October 18th, 2008 about the</p> <p>5 policies and procedures of the University of</p> <p>6 Chicago Police Department?</p> <p>7 A. No.</p> <p>8 Q. Who else did you talk to?</p> <p>9 A. I can't recall who all I talked to</p> <p>10 during the course of that day. I can't even</p> <p>11 tell you who the watch commander was back then.</p> <p>12 I can't tell how many people I talked to or what</p> <p>13 we talked about.</p> <p>14 Q. Well, do you know if you talked about</p> <p>15 the policies and procedures before you went out</p> <p>16 on your patrol that day or was it after you came</p> <p>17 back from your patrol?</p> <p>18 A. I have a -- I can't understand your</p> <p>19 question. You're asking me policies and</p> <p>20 procedures and that could be really broad. If</p> <p>21 you could ask me something specific, I could say</p> <p>22 yes or no to. But policies and procedures, I</p> <p>23 don't know what you're talking about</p> <p>24 specifically.</p> <p style="text-align: right;">18</p>	<p>1 p.m. to 7:00 a.m.</p> <p>2 Q. And you were in a patrol car that</p> <p>3 night?</p> <p>4 A. Yes.</p> <p>5 Q. Were you driving a patrol car?</p> <p>6 A. Torres started driving. Yes, I drove</p> <p>7 the car later on that day.</p> <p>8 Q. When did -- you said Officer Torres</p> <p>9 started driving?</p> <p>10 A. Yes.</p> <p>11 Q. When did you actually drive?</p> <p>12 A. I don't recall what time.</p> <p>13 Q. At some point you were at Dunkin'</p> <p>14 Donuts that night; right?</p> <p>15 A. That is correct.</p> <p>16 Q. Were you driving before you arrived at</p> <p>17 the Dunkin' Donuts?</p> <p>18 A. Yes.</p> <p>19 MR. PUISZIS: Let me just take a break.</p> <p>20 (Whereupon, a short break was</p> <p>21 taken.)</p> <p>22 MR. KSIAZEK: We're back on the record.</p> <p>23 BY MR. KSIAZEK:</p> <p>24 Q. Let's actually go back a little bit.</p> <p style="text-align: right;">20</p>

<p>1 Were you ever disciplined while you were an 2 officer at the Chicago Police Department? 3 A. What do you mean by disciplined? 4 Q. Did you ever have any complaints filed 5 against you? 6 MR. PUISZIS: Objection, irrelevant. 7 MS. GIBBONS: I'll join. 8 THE WITNESS: You've got to be a little bit 9 more specific. 10 BY MR. KSIAZEK: 11 Q. I'm asking you if you ever had any 12 civilian complaints filed against you when you 13 were working at the Chicago Police Department? 14 A. Okay. And what kind of specific 15 complaints? 16 Q. I'm sorry, I'm asking about any 17 complaints? 18 MR. PUISZIS: Objection, any complaint would 19 be irrelevant. 20 MS. GIBBONS: I'll join. 21 THE WITNESS: I need you to be more 22 specific. 23 BY MR. KSIAZEK: 24 Q. Well, if you can recall any, then I'm</p> <p style="text-align: right;">21</p>	<p>1 against you? 2 A. He said I beat him in the head with a 3 retractable baton. 4 Q. Were you sued as a result of this 5 incident? 6 A. No. 7 Q. Do you know what the outcome of this -- 8 was an investigation undertaken? 9 A. Yes. 10 Q. Do you know what the result of this 11 investigation was? 12 A. It was either unfounded or not 13 sustained, one of them. 14 Q. Any other complaints filed against you 15 for excessive force? 16 A. Not that I recall. 17 MR. PUISZIS: By the way while we're at it 18 on this one, did the guy who filed the complaint 19 against you attempt to do anything to you? 20 THE WITNESS: Yeah, he tried to stab me with 21 an ice pick. He was arrested. 22 MR. PUISZIS: And was this during the course 23 of any type of an investigation? 24 THE WITNESS: Not car accident. An</p> <p style="text-align: right;">23</p>
<p>1 going to ask you to tell me about them. If you 2 can't recall any, then you can say so. Did you 3 have any -- do you remember any? 4 A. I don't understand your question. 5 You're referring too generally to even respond 6 to. 7 Q. Have you ever had any complaints filed 8 against you for use of excessive force while you 9 were at the Chicago Police Department? 10 A. Yes. 11 Q. When did you have complaints filed 12 against you for excessive force? 13 A. Not complaints. 14 Q. Okay. What then? 15 A. When? Sometime in -- I don't remember 16 the exact date, late '90's. 17 Q. What was the circumstances of this 18 complaint? 19 MR. PUISZIS: Again, just a continuing 20 objection, irrelevant. 21 BY MR. KSIAZEK: 22 Q. Who filed the complaint against you? 23 A. I don't recall his name at this time. 24 Q. Do you know why the complaint was filed</p> <p style="text-align: right;">22</p>	<p>1 investigation. And he was found guilty of 2 attempted aggravated battery. 3 BY MR. KSIAZEK: 4 Q. Have you ever been sued in your 5 capacity as a Chicago Police Officer before? 6 A. Not that I recall. 7 Q. You've told us -- I'm not sure if I 8 asked this already. Were there any other 9 excessive force complaints? 10 A. Not that I recall. 11 Q. Any complaints filed against you for 12 wrongful arrests? 13 A. Not that I recall. 14 Q. And were you working as a patrol 15 officer when this excessive force complaint was 16 filed against you in the late '90's? 17 A. I was working as a tactic officer. 18 Q. Have you ever been suspended from the 19 Chicago Police force? 20 A. No. 21 Q. Any other complaints that you can 22 recall being filed against you in your time at 23 the Chicago Police Department? 24 A. Again, you have to explain what you</p> <p style="text-align: right;">24</p>

<p>1 mean by complaints.</p> <p>2 Q. Well, you gave me an example about an</p> <p>3 excessive force complaint that was filed against</p> <p>4 you; right?</p> <p>5 A. You asked a specific question and I can</p> <p>6 relate to that question, that's why I answered</p> <p>7 it that way.</p> <p>8 Q. Can you recall any other complaints</p> <p>9 that were filed against you that were like the</p> <p>10 excessive force one that might have been for</p> <p>11 some other reason?</p> <p>12 A. The way you're paraphrasing this</p> <p>13 question I can say not the way you're</p> <p>14 paraphrasing that question. That's all I can</p> <p>15 say.</p> <p>16 Q. Have you ever been written up while you</p> <p>17 were working for the Chicago Police Department?</p> <p>18 MR. PUISZIS: Objection. What do you mean</p> <p>19 by written up?</p> <p>20 THE WITNESS: I have to ask the same</p> <p>21 question, what do you mean by written up? I've</p> <p>22 gotten 56 or 57 commendations, that's a write</p> <p>23 up. I mean, what are you asking me?</p> <p>24 MR. PUISZIS: Do you want to tell us about</p> <p style="text-align: right;">25</p>	<p>1 you ever been notified by the Office of</p> <p>2 Professional Standards that any other complaints</p> <p>3 have been filed against you?</p> <p>4 A. I don't recall.</p> <p>5 Q. Do you recall any other Office of</p> <p>6 Professional Standards investigation that you've</p> <p>7 had to respond to?</p> <p>8 A. I do not recall at this time.</p> <p>9 Q. When you said this was your first day</p> <p>10 and this was your first day of training on</p> <p>11 October 18th, 2008; right?</p> <p>12 A. Yes.</p> <p>13 Q. How many days were you -- how many days</p> <p>14 ultimately were you trained at the University of</p> <p>15 Chicago Police Department?</p> <p>16 A. I think there were a total of six what</p> <p>17 they call ride-alongs.</p> <p>18 Q. Were these all with Officer Torres?</p> <p>19 A. No.</p> <p>20 Q. Who else did you have these ride-alongs</p> <p>21 with?</p> <p>22 A. I don't recall specifically who they</p> <p>23 were at this time.</p> <p>24 Q. Do you know why in August of 2009 you</p> <p style="text-align: right;">27</p>
<p>1 your 56 commendations?</p> <p>2 MR. KSIAZEK: We'll have a chance to go over</p> <p>3 those but --</p> <p>4 BY MR. KSIAZEK:</p> <p>5 Q. Have you ever been investigated by IED</p> <p>6 for any reason beyond -- besides the one that</p> <p>7 you just told me about for excessive force?</p> <p>8 A. Investigated by who?</p> <p>9 Q. Internal Affairs.</p> <p>10 A. Oh, no, not that I know of.</p> <p>11 Q. But an investigation was undertaken in</p> <p>12 this excessive force case that you've told us</p> <p>13 about; right?</p> <p>14 A. By whom?</p> <p>15 Q. By IED. By Internal Affairs.</p> <p>16 A. Not -- no. Internal Affairs, I mean,</p> <p>17 not that I know of. I've never had any</p> <p>18 investigation by Internal Affairs that I had to</p> <p>19 address.</p> <p>20 Q. Okay. Who investigated the excessive</p> <p>21 force complaint against you?</p> <p>22 A. Office of Professional Standards back</p> <p>23 then.</p> <p>24 Q. So have you ever had any other -- have</p> <p style="text-align: right;">26</p>	<p>1 were hired back as a full-time sergeant by the</p> <p>2 University of Chicago Police Department? I'm</p> <p>3 asking just because you left as a patrol</p> <p>4 officer; right?</p> <p>5 A. I took an exam, I was interviewed and</p> <p>6 obviously I did very well because they hired me.</p> <p>7 Q. So we talked about the Dunkin' Donuts;</p> <p>8 right? At some point on October 18th, 2009, you</p> <p>9 were at Dunkin' Donuts; right?</p> <p>10 A. That's correct.</p> <p>11 Q. And what, if anything, happened when</p> <p>12 you were at the Dunkin' Donuts?</p> <p>13 A. At which point, in the store, out the</p> <p>14 store? Help me out.</p> <p>15 Q. Did you hear anything when you were</p> <p>16 inside the Dunkin' Donuts?</p> <p>17 A. Inside?</p> <p>18 Q. Inside the Dunkin' Donuts.</p> <p>19 A. I heard other people talking inside the</p> <p>20 Dunkin' Donuts.</p> <p>21 Q. Did you hear a horn inside the Dunkin'</p> <p>22 Donuts?</p> <p>23 A. No.</p> <p>24 Q. At what point did you hear the horns?</p> <p style="text-align: right;">28</p>

<p>1 A. After leaving -- exiting Dunkin' Donuts 2 walking back toward my squad car. 3 Q. So you were outside the doors of 4 Dunkin' Donuts when you heard the horn go off? 5 A. That is correct. 6 Q. How far were you away from the doors of 7 Dunkin' Donuts when you heard the horn sound 8 off? 9 A. I don't recall. 10 Q. Had you just stepped outside the doors 11 or was the door closed behind you? 12 MR. PUISZIS: Objection, asked and answered. 13 He's already said he doesn't recall. 14 MR. KSIAZEK: I'm trying to see if he does 15 recall. 16 MR. PUISZIS: At some point it gets 17 badgering. This is the third time you've asked 18 him where he was when he heard. I didn't object 19 the second time. You asked him a third and a 20 fourth time but I'm going to start objecting. 21 Because a deposition that should take an hour 22 will take three hours this way. 23 So you can answer the question a third 24 time.</p> <p style="text-align: right;">29</p>	<p>1 Q. How did it sound? 2 A. It was a continuous horn sound, 3 uninterrupted. 4 Q. So after hearing this horn sound, what 5 did you do? You're standing outside the Dunkin' 6 Donuts; right? 7 A. Yes. 8 Q. You hear the horn sound; right? 9 A. Yes. 10 Q. After hearing the horn sound, what did 11 you do? 12 MR. PUISZIS: Objection, it's been asked and 13 answered. He said he looked in the direction 14 that he thought it was coming from. If you want 15 to have him answer it a second time, he can do 16 so. 17 BY MR. KSIAZEK: 18 Q. After looking in the direction that the 19 horn was coming from, what did you do after 20 that? 21 A. I didn't do anything. 22 Q. Did you get in your car? 23 A. No. 24 Q. Did Officer Moore get in the car?</p> <p style="text-align: right;">31</p>
<p>1 THE WITNESS: What's the question again? 2 BY MR. KSIAZEK: 3 Q. How far away were you from the door, 4 you don't recall? 5 A. Yes. 6 Q. What did you do when you heard the horn 7 sound? 8 A. I looked in the direction, which I 9 thought it was coming from. 10 Q. Where was Officer Torres when you first 11 heard the horn? 12 A. Standing somewhere near me. 13 Q. Did you say anything to Officer Torres 14 when you heard the horn sounding? 15 A. No. 16 Q. Did Officer Torres say anything to you 17 when you heard the horn sounding? 18 A. Can you repeat that question? 19 Q. Sure. Did Officer Torres say anything 20 to you when you first heard the horn sound? 21 A. I don't recall. 22 Q. If you can, can you describe how the 23 horn sounded? 24 A. Yes.</p> <p style="text-align: right;">30</p>	<p>1 A. I'm sorry? 2 Q. Did -- excuse me, did Officer Torres 3 get inside of the car? 4 A. When? 5 Q. After you looked to see where the horn 6 was coming from; right? 7 A. Sir, I said I looked in the direction 8 where the horn was coming from. 9 Q. What did you see when you looked in the 10 direction where the horn was coming from? 11 A. I saw nothing at first. 12 Q. At some later point did you see a car? 13 A. Yes. 14 Q. When did you see that car? 15 A. When it came in my sight. 16 Q. How much time passed when you first 17 heard the horn and when it came into your sight? 18 A. I have no idea. 19 Q. Was the horn still going and continuous 20 this whole time? 21 A. Yes, sir. 22 Q. Okay. And once the vehicle was in your 23 sight, could you describe the vehicle? 24 A. I believe it was a gray car. I think</p> <p style="text-align: right;">32</p>

1 it was a Chrysler product.
 2 Q. Did the Chrysler pass right by you?
 3 A. It headed eastbound on the street.
 4 Yes, it did pass by me.
 5 Q. And this was 53rd Street?
 6 A. Yes.
 7 Q. And 53rd Street is an east, westbound
 8 street?
 9 A. That is correct.
 10 Q. So after you -- did the car pass by you
 11 when you were standing in front of the Dunkin'
 12 Donuts?
 13 A. Yes.
 14 Q. And after the car passed by you on the
 15 Dunkin' Donuts, was the horn still going off?
 16 A. Yes.
 17 Q. Did you say anything to Officer Torres
 18 or did he say anything to you after the car
 19 passed by you and the horn was still going off?
 20 A. I don't recall at that point.
 21 Q. After the car passed by you, did you
 22 then get inside of your patrol car?
 23 A. At some time, yes.
 24 Q. Did you keep looking at the gray

33

1 Chrysler as it continued eastbound on 53rd
 2 Street?
 3 A. Yes.
 4 Q. What did you see the gray Chrysler do
 5 as you kept watching it drive down 53rd Street?
 6 A. It -- the horn is steady, still
 7 constant horn noise and it kind of drifted into
 8 the curb east of us, hit the curb and stopped
 9 abruptly with the horn still going off.
 10 Q. Were you standing outside of your car
 11 when you observed this happen?
 12 A. Yes.
 13 Q. When you said that it drifted into the
 14 curb, can you describe the motion of the car?
 15 A. The difference in someone parking a
 16 vehicle versus them -- the vehicle hit the curb
 17 like it wasn't being steered into the curb.
 18 Q. Did you see the tires actually move to
 19 the point where it was moving over to the curb?
 20 MR. PUISZIS: Did you see the tires turn?
 21 THE WITNESS: I saw the vehicle moving. I
 22 couldn't see the -- you want to ask me that
 23 question again, please.
 24

34

1 BY MR. KSIAZEK:
 2 Q. Sure. Well, how do you -- why do you
 3 think that it was drifting like it wasn't being
 4 steered?
 5 A. Because it actually ran into the curb
 6 instead of like it was being parked and bumped
 7 up against the curb and then bounced off a
 8 little bit and stopped abruptly as if the driver
 9 didn't have control of the vehicle.
 10 Q. Did you see the car shake?
 11 A. From bouncing off the curb?
 12 Q. Yes.
 13 A. Yes.
 14 Q. Now, at this point when you saw the car
 15 hit the curb and come to a stop, right, you saw
 16 the car come to a stop?
 17 A. Yes.
 18 Q. When you saw the car come to a stop,
 19 did you have any reason to believe that this car
 20 was a stolen vehicle?
 21 A. Did I have any reason to believe --
 22 yes, it became a suspicious vehicle to me at
 23 that point.
 24 Q. At what point, when it was parked at

35

1 the curb?
 2 A. The way it was -- the way it stopped,
 3 the horn constantly going off and it seemed like
 4 -- the driver was not in control.
 5 Q. So you said it was a suspicious
 6 vehicle; right? Did you have any reason to
 7 believe it was a stolen vehicle?
 8 A. That thought came across my mind.
 9 Q. And why did that thought come across
 10 your mind?
 11 MR. PUISZIS: Objection, asked and answered.
 12 You can answer it a second time.
 13 THE WITNESS: Based on my experience as a
 14 police officer.
 15 BY MR. KSIAZEK:
 16 Q. At some point did the horn go off? Did
 17 the horn stop sounding?
 18 A. At what --
 19 Q. Was there a point where the horn
 20 stopped sounding?
 21 A. I don't understand your question.
 22 Q. Okay. After the car hit the curb, was
 23 the horn still going off?
 24 A. Yes.

36

<p>1 Q. And after you saw the car hit the curb, 2 did you get inside of your vehicle? 3 A. Yes. 4 Q. And when you were inside your vehicle, 5 was the horn still going off? 6 A. Yes. 7 Q. Did you drive towards where the 8 Chrysler had stopped against the curb? 9 A. Yes. 10 Q. And when you were driving towards when 11 – where the Chrysler had stopped against the 12 curb, was the horn still going off in the 13 Chrysler? 14 A. Yes. 15 Q. Now, you got to where the Chrysler was; 16 right? You drove your car down 53rd Street; 17 right? 18 A. I drove the car east, yes, on 53rd. 19 Q. And you drove towards where the 20 Chrysler had stopped against the curb; right? 21 A. Yes. 22 Q. At some point you stopped your car; 23 right? 24 A. Yes.</p> <p style="text-align: right;">37</p>	<p>1 to where the Chrysler was stopped, did you stop 2 in front or behind the Chrysler? 3 A. Behind it. 4 Q. Were you directly behind the Chrysler 5 or were you to its right or left? 6 A. To its – both cars facing the same 7 direction. 8 Q. Both cars facing east, right. 9 A. I would be to the left. 10 Q. And were you actually in the street of 11 like the eastbound lane of 53rd Street or were 12 you sort of in the parking spot there? 13 A. That was two questions – 14 Q. Okay. Were you actually parked in the 15 street in the eastbound lane of 53rd Street? 16 A. The vehicle was stopped in the street. 17 The squad car I was driving was stopped in the 18 street, in the angle behind the vehicle, behind 19 the Chrysler. 20 Q. As you were approaching the Chrysler 21 and driving down eastbound on 53rd Street, did 22 you see anyone leave the gray Chrysler, exit the 23 gray Chrysler? 24 A. Okay. You're asking me did I see</p> <p style="text-align: right;">39</p>
<p>1 Q. And when you stopped your car, was the 2 horn still going off? 3 A. Yes. 4 Q. Okay. When you were inside of your 5 vehicle driving eastbound on 53rd Street towards 6 where the gray Chrysler was, did you have any 7 conversations with Officer Torres? 8 A. Yes. 9 Q. What did you say to Officer Torres and 10 what did he say to you? 11 A. What I said to him, what do you think, 12 what we got, a stolen car, do you think somebody 13 is in trouble. 14 Q. What did he say in response? 15 A. Let's check it out, something to that 16 effect. 17 Q. Approximately how long did it take you 18 to drive down 53rd Street eastbound to get to 19 where the gray Chrysler had stopped? 20 A. Not long. 21 Q. Do you know how many feet you had to 22 drive or how many blocks you had to drive? 23 A. No blocks. A matter of feet. 24 Q. Where did you stop the car in relation</p> <p style="text-align: right;">38</p>	<p>1 anybody exit the vehicle? 2 Q. As you were driving down 53rd Street, 3 yes. 4 A. No. 5 Q. Once you stopped your vehicle, did you 6 see anyone exit the gray Chrysler? 7 A. Yes. 8 Q. Who did you see exit the gray Chrysler, 9 if you know? 10 A. Two. One person exit – one male exit 11 from the left side and another male exit from 12 the passenger side. 13 Q. What did you see these two subjects do 14 once they exited the vehicle? 15 A. They exited the vehicle. They did not 16 look behind them, and they walked eastbound on 17 53rd Street. 18 Q. Was there a Bank of America just a 19 little bit down on 53rd Street that you saw? 20 A. Yes. 21 Q. Do you know how far down that Bank of 22 America was from where this Chrysler was parked? 23 A. I don't understand what you mean by how 24 far.</p> <p style="text-align: right;">40</p>

1 Q. How many feet was it away from where
2 the Chrysler was parked?
3 A. I have no idea how many feet it is.
4 Q. Okay. So you said these two subjects
5 exited the vehicle and they walked eastbound
6 down 53rd Street?
7 A. Yes.
8 Q. And this happened while you were still
9 inside your patrol car; right?
10 A. Yes.
11 Q. Once you stopped your patrol car and
12 saw the two subjects exit the vehicle, did you
13 say anything to Officer Torres?
14 A. I probably did. I don't recall exactly
15 what I said.
16 Q. Did Officer Torres say anything to you?
17 A. I don't recall.
18 Q. Now, why didn't you exit your vehicle
19 and go after these two subjects?
20 A. I have to say this, I don't understand
21 your question.
22 Q. Okay. So your vehicle was stopped;
23 right?
24 A. Yes.

41

1 Q. While your vehicle was stopped, you saw
2 a person, a male subject exit the driver door of
3 the vehicle; right?
4 A. Yes.
5 Q. And you also saw another subject exit
6 from the -- was it the rear passenger door?
7 A. I didn't say that. I said from the
8 passenger side.
9 Q. So it was the passenger side front door
10 they exited from?
11 A. I don't recall.
12 Q. Okay. Regardless, you saw another
13 person, a subject exit from the passenger side?
14 A. That is correct.
15 Q. And this happened while you had --
16 right after you arrived in your patrol car next
17 to the gray Chrysler; right?
18 MR. PUISZIS: Objection, asked and answered
19 now on the fourth time I think. You can go
20 ahead and answer it again.
21 THE WITNESS: Well, you said next to. I
22 never was next to the car. So I can't say right
23 to that because I was not right next to the car.
24 I was behind it.

42

1 BY MR. KSIAZEK:
2 Q. Okay. Well, when you saw the driver
3 exit the vehicle, why didn't you get out of your
4 vehicle and go and try and talk to him?
5 A. Okay. You're asking me why. The way
6 this is happening, I'm sitting and watching --
7 I'm observing. Okay. That's the only way I can
8 tell you. I'm watching to see what's going on
9 here.
10 Q. You said earlier that this was a
11 suspicious vehicle; right?
12 A. In my mind, yes.
13 Q. So the driver of the suspicious vehicle
14 just exited from the vehicle; right?
15 A. Yes.
16 Q. And you sat and you observed this
17 driver of the suspicious vehicle walk away from
18 the vehicle at that point; right?
19 MR. PUISZIS: Objection. Now this is the
20 fifth time you've asked the question. Subject
21 to the objection, you could answer it a fifth
22 time.
23 BY MR. KSIAZEK:
24 Q. Yes?

43

1 A. Yes to what? Say it again.
2 Q. You saw the driver of a suspicious
3 vehicle get out of the vehicle and walk away;
4 right?
5 A. Yes, he's walking away.
6 Q. Okay. And you didn't stop that driver
7 of the suspicious vehicle at that point?
8 A. I'm still in my car, sir.
9 Q. You didn't stop the passenger of this
10 suspicious --
11 A. I'm still in my car as they're walking.
12 Q. Did you see anyone else exit from the
13 vehicle while you were still sitting in your
14 car?
15 A. Yes.
16 Q. Who did you see exit from the vehicle
17 while you were still sitting in your car?
18 A. Mr. Boyle.
19 Q. Do you know from what door Mr. Boyle
20 exited when he exited the vehicle?
21 A. He got out on the left side of the car.
22 Q. And that would be the passenger rear
23 seat of the car?
24 A. No, the driver side of the car.

44

11 (Pages 41 to 44)

<p>1 Q. Right, you said the left side?</p> <p>2 A. Yes.</p> <p>3 Q. He got out from the back driver side</p> <p>4 door; right?</p> <p>5 A. He got out of the left side of the car.</p> <p>6 I'm behind the car.</p> <p>7 Q. What did you see Mr. Boyle do once he</p> <p>8 got out of the car?</p> <p>9 A. Mr. Boyle got out of the car. He also</p> <p>10 did not look back at us. He walked forward</p> <p>11 about two or three steps in front of the car.</p> <p>12 By this time, I'm out of my car. He walked two</p> <p>13 or three steps in front of the car, then he</p> <p>14 stopped, turned around, came back to the hood,</p> <p>15 raised the hood and the horn was still going on,</p> <p>16 continuously sounding.</p> <p>17 Q. When —</p> <p>18 A. Excuse me for a second. May I ask you</p> <p>19 something?</p> <p>20 MR. PUISZIS: Let's take a break.</p> <p>21 (Whereupon, a short break was</p> <p>22 taken.)</p> <p>23 MR. KSIAZEK: We're back on the record.</p> <p>24</p> <p style="text-align: right;">45</p>	<p>1 Q. Was it a female in the car?</p> <p>2 A. I later found out it was a female.</p> <p>3 Q. How did you find that out?</p> <p>4 A. She looked like a female.</p> <p>5 Q. Did you talk to her?</p> <p>6 MR. PUISZIS: Objection. At what point?</p> <p>7 BY MR. KSIAZEK:</p> <p>8 Q. Did you talk to her after you got out</p> <p>9 of your car, immediately after you got out of</p> <p>10 your car?</p> <p>11 A. No.</p> <p>12 Q. But you did notice her after you got</p> <p>13 out of your car?</p> <p>14 A. Oh, definitely.</p> <p>15 Q. Once you got out of your car and you</p> <p>16 saw Mr. Boyle raise the hood, what did you do?</p> <p>17 A. I looked to see where the other two</p> <p>18 guys were.</p> <p>19 Q. Did you see the other two subjects at</p> <p>20 that point?</p> <p>21 A. No. They had disappeared in the</p> <p>22 vestibule of where that bank was.</p> <p>23 Q. Did you see them actually go into the</p> <p>24 vestibule?</p> <p style="text-align: right;">47</p>
<p>1 BY MR. KSIAZEK:</p> <p>2 Q. The last thing you told me was that</p> <p>3 Mr. Boyle got out of the car, walked forward two</p> <p>4 to three steps in front of the car, stopped,</p> <p>5 came back around and raised the hood; is that</p> <p>6 right?</p> <p>7 A. He walked — let me say it again.</p> <p>8 Q. Sure.</p> <p>9 A. He walked two or three steps in front</p> <p>10 of the car. He turned around. He came directly</p> <p>11 back to the hood of the car and opened the hood</p> <p>12 of the car.</p> <p>13 Q. And when you saw Mr. Boyle raise the</p> <p>14 hood of the car, you were out of the car at that</p> <p>15 point; right?</p> <p>16 A. Sometime in all this observation, I'm</p> <p>17 out the car walking toward and watching him</p> <p>18 outside of the car. And specifically what time</p> <p>19 or how many seconds, I don't recall that.</p> <p>20 Q. Okay. And did you see anyone else</p> <p>21 still in the car after the two subjects left,</p> <p>22 exit the vehicle and Mr. Boyle exit the vehicle?</p> <p>23 A. Yes, there was still someone else in</p> <p>24 that car.</p> <p style="text-align: right;">46</p>	<p>1 A. No. When you say did I see them go</p> <p>2 into the vestibule?</p> <p>3 Q. Yeah, did you see them go —</p> <p>4 A. I cannot see the doors from the bank.</p> <p>5 From where we were, you can't see the doors.</p> <p>6 All I can tell you is they were out of sight.</p> <p>7 MR. PUISZIS: Don't guess and don't</p> <p>8 speculate. If they're out of sight, they're out</p> <p>9 of sight.</p> <p>10 BY MR. KSIAZEK:</p> <p>11 Q. This is a lighted — 53rd Street was</p> <p>12 lighted at that point in night; right?</p> <p>13 A. 2:30 in the morning, artificial</p> <p>14 lighting.</p> <p>15 Q. So after you were looking to see where</p> <p>16 the other two guys were, did Officer Torres say</p> <p>17 anything to Mr. Boyle?</p> <p>18 A. We both asked — I asked him whose car</p> <p>19 it was.</p> <p>20 Q. So you asked Mr. Boyle whose car it</p> <p>21 was?</p> <p>22 A. I asked. Torres asked.</p> <p>23 Q. Who asked first?</p> <p>24 A. I don't recall.</p> <p style="text-align: right;">48</p>

1 Q. Okay. When you asked Mr. Boyle whose
2 car it was, how did he respond?
3 A. He didn't.
4 Q. What was Mr. Boyle doing when you asked
5 him whose car it was?
6 A. Standing there looking at me at that
7 point.
8 Q. Now, before you asked Mr. Boyle whose
9 car it was, what was he doing?
10 A. I don't recall specifically. He's in
11 front of the car. He had the hood up. The horn
12 is going off. I've got something going on. I
13 don't know who this guy is. And I asked whose
14 car was it.
15 Q. He's actually leaned over inside of the
16 hood of the car?
17 A. I didn't say that. I told you I don't
18 recall.
19 Q. Now, when Officer Torres asked him
20 whose car it was, did Mr. Boyle respond to that?
21 A. No. From my recollection when I asked
22 him, he never answered the question whose car it
23 was, when I asked him or Torres asked. As far
24 as I recall, he never answered that question.

49

1 Q. When either yourself or Officer Torres
2 asked Mr. Boyle whose car it was, did he raise
3 his arm at any point and point to the car?
4 A. No, not -- no.
5 Q. Did you hear the female that was still
6 in the car at that point, did you hear her say
7 anything when you asked Mr. Boyle whose car it
8 was?
9 A. No.
10 Q. Did you hear her say anything when
11 Officer Torres asked whose car it was?
12 A. No.
13 Q. So what did you do after Mr. Boyle did
14 not respond to your question whose car is it?
15 A. I asked him again.
16 Q. And how did he respond the second time
17 you asked him whose car it was?
18 A. Somewhere in this exchange he said the
19 horn is stuck. I said, I know that, whose car
20 is it. He didn't respond. I asked him for some
21 ID. He didn't respond.
22 Q. Did you ask him for ID immediately
23 after you asked him whose car it was?
24 A. Sir, what's your name again?

50

1 Q. My name is Mr. Ksiazek.
2 A. Mr. Ksiazek.
3 Q. Yes.
4 A. I've got suspicious vehicle, horn going
5 off. I've got a person standing in front of me
6 that's evasive. I don't recall exactly how
7 questions were asked beyond that. I don't know
8 if it was seconds. I can't give you those kind
9 of answers. I don't know. I don't recall.
10 Q. I'm just asking to the best of your
11 ability to tell me what happened that night.
12 Okay.
13 A. If you would ask me specifically
14 something that I am capable of answering, I can
15 tell you exactly what happened. So what's your
16 last question?
17 Q. So after you asked him for ID and he
18 didn't respond, what happened after that?
19 A. After I told you he said the horn was
20 blowing?
21 Q. Sure. Yeah, you said he told you that
22 the horn is stuck; right?
23 A. Yes.
24 Q. And --

51

1 A. I said I see that, and I asked him for
2 some ID. He did not respond. Somewhere in that
3 same time Torres is asking him for ID. He did
4 not respond. He never -- he did not give any
5 ID. Somewhere in that -- those seconds he said
6 to Officer Torres, I don't have to show you
7 anything. I said, let's step over to the car.
8 At that time he pushed off. He pushed us both
9 off.
10 Q. And when you said to Mr. Boyle to walk
11 over to the car --
12 A. I didn't say walk over to the car.
13 Q. What did you say?
14 A. Step over to the car.
15 Q. Step over to the car. You told
16 Mr. Boyle to step over to the car, did you guide
17 him over to the car?
18 A. He pushed off.
19 Q. Did he push off immediately after you
20 told him to step over to the car?
21 A. Somewhere in that exchange, that's when
22 he got -- he pushed. I'm using my hands to
23 usher him in the direction indicating which way
24 I would like for him to move to step over the

52

<p>1 car, he pushed off.</p> <p>2 Q. Did you ever touch him with your hands</p> <p>3 when you were ushering him over?</p> <p>4 A. Let me ask you this, are you asking me</p> <p>5 did I do a deliberate grab on him?</p> <p>6 Q. I'm asking you when you told him step</p> <p>7 over to the car and you ushered him over to the</p> <p>8 car, did you physically touch Mr. Boyle?</p> <p>9 A. I don't recall. I recall him pushing</p> <p>10 off. I recall him creating contact, pushing me</p> <p>11 off.</p> <p>12 Q. Did he push you?</p> <p>13 A. Yes.</p> <p>14 Q. How did he push you?</p> <p>15 A. He pushed me with his hands and his</p> <p>16 arms.</p> <p>17 Q. It was with both arms?</p> <p>18 A. No. He was using the other arm to push</p> <p>19 Torres.</p> <p>20 Q. Okay. So he pushed you with one arm</p> <p>21 while he pushed Officer Torres with the other</p> <p>22 arm?</p> <p>23 A. He pushed us both off. I'm on one side</p> <p>24 and Torres is on the other side. He made</p> <p style="text-align: right;">53</p>	<p>1 down and now the wrestling match was on. He's</p> <p>2 resisting us totally. He's swinging us around</p> <p>3 now. He's literally fighting with us.</p> <p>4 Q. Okay. When both yourself and Officer</p> <p>5 Torres grabbed Mr. Boyle's arms, did he say</p> <p>6 anything to you?</p> <p>7 A. No.</p> <p>8 Q. Did he say anything to you when he</p> <p>9 pushed both yourself and Officer Torres away?</p> <p>10 A. He blurted out something but I don't</p> <p>11 recall what he said. It wasn't nothing in</p> <p>12 cooperation, that's for sure.</p> <p>13 Q. When you first asked Mr. Boyle whose</p> <p>14 car it was, was that the first thing you said to</p> <p>15 Mr. Boyle?</p> <p>16 A. Yes.</p> <p>17 Q. Did you identify yourself before you</p> <p>18 said whose car is this?</p> <p>19 A. In terms of what?</p> <p>20 Q. Did you say I'm a police officer, whose</p> <p>21 car is this?</p> <p>22 A. Sir, I'm in full uniform, I've got a</p> <p>23 badge, a radio, it's obvious I'm the police in a</p> <p>24 squad car that says University of Chicago</p> <p style="text-align: right;">55</p>
<p>1 contact with both of us.</p> <p>2 Q. Do you know if you were on his left</p> <p>3 side or his right side?</p> <p>4 A. I don't recall exactly.</p> <p>5 Q. After he pushed both of you off, what</p> <p>6 happened?</p> <p>7 A. You're asking what did I do?</p> <p>8 Q. What did you do after he pushed you</p> <p>9 off?</p> <p>10 A. I grabbed his arm.</p> <p>11 Q. Why did you grab his arm?</p> <p>12 A. The man just pushed the police.</p> <p>13 Q. Do you know what arm you grabbed of</p> <p>14 his?</p> <p>15 A. Exactly, no.</p> <p>16 Q. What did Officer Torres do?</p> <p>17 A. He grabbed him, too.</p> <p>18 Q. Did he also grab Mr. Boyle's arms?</p> <p>19 A. Yes.</p> <p>20 Q. So as you -- after you grabbed one of</p> <p>21 Mr. Boyle's arms and Officer Torres grabbed</p> <p>22 Mr. Boyle's arms, what did you do at that point?</p> <p>23 A. We're now trying to control him. I</p> <p>24 believe Officer Torres was telling him to calm</p> <p style="text-align: right;">54</p>	<p>1 Police. I felt that was enough of identifying</p> <p>2 myself. And, yes, at one point I did tell him.</p> <p>3 Q. When did you tell him that you were a</p> <p>4 police officer?</p> <p>5 A. During his resisting.</p> <p>6 Q. You said Officer Torres told him to</p> <p>7 calm down; is that right?</p> <p>8 A. I remember hearing him say that, relax</p> <p>9 something to that point, trying to get the guy</p> <p>10 to get some control of this guy. So he gave a</p> <p>11 verbal command of relax.</p> <p>12 Q. Okay. And when you say it was a</p> <p>13 wrestling match at that point, after Officer</p> <p>14 Torres told him to calm down or relax, was it</p> <p>15 like WWF Wrestling, what do you mean?</p> <p>16 A. I never watched it.</p> <p>17 Q. Well, what do you mean by it was a</p> <p>18 wrestling match?</p> <p>19 A. Mr. Boyle was not cooperating.</p> <p>20 Mr. Boyle was resisting. Mr. Boyle tensed up.</p> <p>21 He flexed. He's strong. He's pulling us. He's</p> <p>22 doing more pulling and turning than we are. I'm</p> <p>23 trying to hold onto him.</p> <p>24 Q. What part of his body were you trying</p> <p style="text-align: right;">56</p>

1 to hold onto, his arm?
 2 A. Yeah, it hasn't changed. It's the same
 3 answer, his arms. I'm trying to make sure he
 4 doesn't get a chance to strike me, make sure
 5 he's not given a chance to -- get ahold of him.
 6 We're trying to restrain this guy.
 7 Q. Have you ever seen like wrestling in
 8 the Olympics, have you ever seen that?
 9 A. No.
 10 Q. Have you ever seen wrestling in
 11 college?
 12 A. I need to ask what -- have I ever seen
 13 wrestling, sir?
 14 Q. Yes.
 15 A. Yes.
 16 Q. Where have you seen wrestling?
 17 MR. PUISZIS: Objection, irrelevant.
 18 THE WITNESS: Where?
 19 BY MR. KSIAZEK:
 20 Q. Yes.
 21 A. I used to try wrestling a little bit --
 22 I've seen me try to wrestle. I think when I was
 23 in elementary school I might have went off for
 24 the wrestling team. Somewhere in the 1960's.

57

1 But specifically WWF, whatever you said, no,
 2 never watched it.
 3 Q. Okay. So as you were trying to hold
 4 on --
 5 MR. PUISZIS: You're not missing much.
 6 THE WITNESS: Yeah. I mean, I saw them
 7 bunch off a rope and that's enough for me.
 8 That's not wrestling as far as I'm concerned.
 9 BY MR. KSIAZEK:
 10 Q. When you were trying to hold onto
 11 Mr. Boyle's arm as he was -- you said he was
 12 struggling with you; right?
 13 MR. PUISZIS: You can go ahead for a third
 14 time.
 15 THE WITNESS: Yes.
 16 BY MR. KSIAZEK:
 17 Q. What was Officer Torres doing when you
 18 were holding onto Mr. Boyle's arm?
 19 A. Mr. Boyle -- when I say we were holding
 20 onto him and trying to restrain him, Mr. Boyle
 21 was trying to throw I believe was -- if we let
 22 go, if he would have broke loose, he would have
 23 punched one of us.
 24 Q. Why do you believe that?

58

1 A. Because of the force that was being
 2 used to resist us. The force that was being
 3 used directed toward us. The tension I could
 4 feel in his arms. He's flinging his arms. He's
 5 literally trying to fling his arms like he's
 6 trying to throw a punch.
 7 Q. And were you actually preventing him
 8 from throwing a punch when you were grabbing
 9 onto his arms?
 10 A. I definitely was trying to protect
 11 myself and my partner.
 12 Q. And at that point your partner was also
 13 holding onto Mr. Boyle?
 14 A. We were both in the same predicament.
 15 Q. Did you ever see Mr. Boyle pick up your
 16 partner, physically pick him up?
 17 A. Yes.
 18 Q. When did you see Mr. Boyle physically
 19 pick up your partner?
 20 A. As we were trying to get control of
 21 this young man, he led us from this -- just led
 22 us from the front of that Chrysler to the back
 23 of that Chrysler. We ended up toward the -- let
 24 me slow down so you can get all this.

59

1 Q. You can keep saying.
 2 A. The struggle went from the front of the
 3 car, the Chrysler, down the left side of the
 4 Chrysler, in between my squad car and the
 5 Chrysler, toward the curb. We're struggling
 6 with this young man. We're trying to get
 7 somewhere where we can get control of him. He
 8 forced -- Torres's door was still open, the
 9 passenger door of our squad car was open.
 10 At that point somewhere in there he
 11 lifted Torres up with me still holding him.
 12 Torres fell back toward into the squad car. I'm
 13 trying to pull -- your client lifted Torres and
 14 me up.
 15 Q. So he lifted Officer Torres up and
 16 placed him in the squad car?
 17 A. That's not what I said.
 18 Q. What did you say?
 19 A. Your question was there ever a time
 20 that he ever lifted --
 21 Q. Officer Torres?
 22 A. Torres, which I interpreted as the
 23 point where Boyle's body used his body to lift
 24 Torres off the ground, and that's what I've just

60

15 (Pages 57 to 60)

1 described.

2 Q. Did Mr. Boyle ever lift you up off the
3 ground?

4 A. As he got -- I'm pulling on him trying
5 to get him off of Torres because Torres now is
6 pinned in between the car, so I'm pulling toward
7 him. When Boyle lifted him up, I used my body
8 leverage to flip all three of us to the ground.

9 Meanwhile into that, somewhere in that
10 struggle, Officer Torres was able to use one
11 hand to get to the radio that was attached to
12 his shoulder and call for help, 10-1.

13 Q. Did you have a radio on your uniform
14 that night?

15 A. No.

16 Q. Do you know if Officer Torres radioed
17 dispatch before you exited your vehicle to tell
18 them that you were investigating a suspicious
19 car, a suspicious vehicle?

20 A. Okay. You asked me did I know if
21 Officer Torres, I don't recall.

22 Q. And now you used your own body leverage
23 to flip yourself, Mr. Boyle and Officer Torres
24 onto the ground, is that your testimony?

61

1 MR. PUISZIS: Objection, asked and answer
2 again. But you can go ahead and tell him a
3 second time.

4 THE WITNESS: I didn't intentionally try to
5 flip myself to the ground. I wanted to get your
6 client on the ground and I inadvertently -- the
7 weight took me down, too. So all three of us
8 hit the ground, if that's what you want to know.

9 BY MR. KSIAZEK:

10 Q. So that's a yes; right?

11 A. Did all three of us hit the ground, is
12 that what you're asking me?

13 Q. Yes. Well, you flipped all three of
14 you to the ground; right?

15 A. I used my leverage to try to get your
16 client off balance to the ground and
17 subsequently all three of us landed to the
18 ground.

19 Q. Was officer -- Mr. Boyle -- when you
20 flipped or you used your leverage to flip
21 Mr. Boyle and Officer Torres onto the ground,
22 was Mr. Boyle inside of your squad car or was he
23 outside the squad car?

24 MR. PUISZIS: Are you asking him when all

62

1 three of them went to the ground, were they in
2 the squad or out the squad.

3 MR. KSIAZEK: Well, I'm asking him --

4 MR. PUISZIS: Because he's already described
5 what happened outside the squad. And I object
6 to you trying to change his testimony by
7 changing some of the words of what he said. So
8 if you're going to use what he said as a
9 predicate to your next question, describe what
10 he said accurately. Object to the
11 mischaracterization.

12 MR. KSIAZEK: I'm trying to understand it
13 and I'm trying to clarify it if for the record
14 so --

15 BY MR. KSIAZEK:

16 Q. When you flipped Mr. Boyle onto the
17 ground, where was Mr. Boyle located?

18 A. Well, when we all hit the ground,
19 Mr. Boyle was still in between the two of us.

20 Q. And Officer Torres was in the vehicle
21 at that point or was he outside of the vehicle
22 at that point?

23 A. Sir, we can't be on the ground and in
24 the vehicle at the same time. So I'm not trying

63

1 to be -- you know, your question, I don't
2 understand the question. So if you're asking me
3 are we in -- we can't be in the vehicle and on
4 the ground at the same time.

5 Q. Well, when you flipped Mr. Boyle to the
6 ground; right?

7 MR. PUISZIS: Again, I object. This is the
8 fourth time you've asked and he described what
9 he did.

10 BY MR. KSIAZEK:

11 Q. I'm asking where was Mr. Boyle when you
12 flipped him to the ground?

13 MR. PUISZIS: And I object to the reference
14 to flipping him to the ground. He said he
15 lifted up and used -- Mr. Boyle was lifting them
16 up. He used his leverage and all three of them
17 fell to the ground. So I object to your
18 characterization of flipping him to the ground.

19 BY MR. KSIAZEK:

20 Q. When you used your leverage to take
21 Mr. Boyle down to the ground, where was
22 Mr. Boyle located?

23 MR. PUISZIS: Before he went to the ground
24 or after he went to the ground?

64

16 (Pages 61 to 64)

1 BY MR. KSIAZEK:

2 Q. Before he went to the ground?

3 A. Good question. Okay. He's still in
4 between the both of us.

5 Q. Where?

6 A. When you say where, sir?

7 Q. Were the three of you in between the
8 silver Chrysler and your patrol car?

9 A. You know what, I answered that a long
10 time ago.

11 MR. PUISZIS: But when you hit the ground.

12 MR. KSIAZEK: When you hit the ground.

13 MR. PUISZIS: When all three of you fell to
14 the ground, were you --

15 THE WITNESS: We were where I told him where
16 we were then. Boyle had just lifted Torres into
17 our squad car. The door was open, the passenger
18 door of the squad car was open. That's when you
19 asked me at any time did Boyle -- did I see
20 Boyle lift up Torres. You asked me that
21 question, and I told specifically when I saw
22 that, that was outside our car door where he
23 lifted him up into that car door and then get
24 him -- then when we went to get him off, that's

65

1 when he lifted -- Boyle used his weight and he
2 lifted Torres up.

3 I used my leverage to put -- try to put
4 him down on the ground. All three of us hit the
5 ground, on the ground outside the squad car.
6 We're way behind the Chrysler. Remember we
7 started from the front of the Chrysler, all the
8 way down the side, closer to the curb, then back
9 into by our squad car because we're trying to
10 get a place where we can try to use something to
11 get control. Okay. That's where we are.

12 BY MR. KSIAZEK:

13 Q. Okay. Did you have your handcuffs out
14 at this point when you were on the ground?

15 A. I could not get to my handcuffs because
16 your client was a handful. I could not get to
17 any handcuffs. I couldn't get to anything other
18 than trying to keep this guy from swinging and
19 hitting someone. I'm trying to maintain
20 control.

21 Q. Okay. When the three of you first fell
22 onto the ground, how did Mr. Boyle fall to the
23 ground, was it belly up or was his back on the
24 ground -- I'm sorry, was his belly up or was his

66

1 back up?

2 A. His belly was not up. He did not fall
3 on his back.

4 Q. So he fell on his belly?

5 A. I don't know -- he did not fall on his
6 belly either.

7 Q. Did he fall on his side?

8 A. He's not trying to fall at all. He's
9 going -- we're all going to the ground. The way
10 you're characterizing the fall is if he
11 completely on his own hit the ground on his
12 belly or on his back. That did not happen.

13 Q. Okay. Describe how yourself -- well,
14 you already described that so we won't go into
15 that.

16 A. Thank you.

17 Q. But once you're on the ground, where
18 are you located? Where are you located in
19 relation to Mr. Boyle?

20 A. Sir, I don't recall. At one point I'm
21 on the bottom of the pile, I'm on the side of
22 the pile. Boyle is trying to get up. I'm
23 trying to get up over him. He's trying to get
24 me down. He gets Torres down. We're back and

67

1 forth here.

2 He's kicking. He's trying to punch.
3 At one point you fall loose. He throws an arm.
4 This is a person not being -- he's totally --
5 he's uncontrollable. He's very -- he's
6 resisting. He's fighting with us.

7 Q. When you first fell to the ground, do
8 you recall if you were on top of Mr. Boyle, if
9 you're underneath Mr. Boyle? Do you recall
10 where you were located?

11 A. Obviously I didn't answer you directly.
12 No, I don't recall. What I recall is what I
13 told you prior to.

14 Q. When you said he was kicking, did he
15 kick you?

16 A. He probably did.

17 Q. Do you know when he kicked you?

18 A. What do you mean by when? Are you
19 asking me the exact time?

20 Q. I'm not asking you the exact time. I'm
21 saying you fell to the ground; right? All three
22 of you were on the ground; right?

23 MR. PUISZIS: Objection, asked and answered
24 for like the seventh time now.

68

1 BY MR. KSIAZEK

2 Q. After you fell on the ground, when did
3 he kick you?

4 A. Sometime in that struggle.

5 Q. Okay. When did he punch you after the
6 three of you fell to the ground?

7 A. I didn't say he punched me.

8 Q. Well, you said he was punching, did he
9 punch you? Did he punch you?

10 A. Did his fist hit me in the face?

11 Q. Yes.

12 A. No.

13 Q. Did his fist hit Officer Torres in the
14 face?

15 A. I don't recall.

16 Q. Do you recall him kicking Officer
17 Torres?

18 A. I don't know for sure but I'm quite
19 sure Torres got kicked.

20 Q. Well, is it you're quite sure or you
21 don't know?

22 A. Well, the man is kicking at both of us
23 and we're trying to restrain him. If you're
24 kicking and somebody is holding you, you're

69

1 going to possibly get contact. You asked me did
2 he get kicked?

3 Q. Right.

4 A. I don't recall, but I'm quite sure he
5 did have contact with his feet because the man
6 was kicking on both of us and we're on top of
7 him, we're on the bottom of him, we're on the
8 side of him.

9 Q. Were you saying anything to Mr. Boyle?

10 A. Stop, sir.

11 Q. Did he say anything in response once
12 you said to him stop, sir?

13 A. He said a lot of things. I don't
14 remember exactly what he said. Most of it was
15 not pleasant, so there was some curse words.
16 There was a lot of stuff being said. I wasn't
17 interested. I'm trying to get control of a
18 person here. And at this point he's very
19 dangerous to me.

20 Q. Why is he dangerous to you?

21 A. Because he's resisting the police, and
22 he's trying to fight with the police.

23 Q. You said he said some curse words, can
24 you say those curse words?

70

1 A. I just told you what I said, I didn't
2 recall what he said.

3 Q. Now, at some point did other University
4 of Chicago officers arrive?

5 A. Yes.

6 Q. When did you first see other University
7 of Chicago officers arrive?

8 A. When they were trying to help me
9 control your client, arrest your client at this
10 point because he's under arrest.

11 Q. When you saw the other University of
12 Chicago officers arrive, did you have your
13 handcuffs out at that point?

14 A. No.

15 Q. Were you trying -- so you weren't
16 trying to put Mr. Boyle into handcuffs when the
17 other University of Chicago officers arrived?

18 A. When the other University police
19 officers at the time that you sound like you're
20 framing when they arrived, I'm still struggling
21 with your client. We do not have control. He's
22 still resisting. The arrest process is real
23 simple. If the officer says your under arrest,
24 you put your hands behind your back. The only

71

1 thing that goes on you is handcuffs. That never
2 happened in that process with your client.

3 Q. Okay. As a University of Chicago
4 police officer, you're not allowed to arrest
5 someone, though; right?

6 A. That's not right.

7 Q. You're allowed to arrest someone as a
8 University of Chicago police officer?

9 A. Yes.

10 Q. Do you know who the first University of
11 Chicago officer was to arrive at the scene
12 besides yourself and Officer Torres?

13 A. No.

14 Q. Do you know how many University of
15 Chicago officers arrived as back-up?

16 A. At the time of the incident?

17 Q. When was the first time -- how many
18 University of Chicago officers did you first see
19 as back-up?

20 A. I don't know how many I saw as back-up.

21 Q. Okay. Do you know how many University
22 of Chicago officers were helping you to arrest
23 Mr. Boyle?

24 A. At the time this situation was going

72

18 (Pages 69 to 72)

1 on, I did not count the officers whether they
2 were University officers or whether they were
3 Chicago officers there. I did not count
4 officers. I cannot tell you.

5 Q. Did you recognize -- I know this was
6 your first day, but did you recognize any of the
7 University of Chicago officers who came to
8 assist you?

9 A. Recognize them how?

10 Q. Did you know their names?

11 A. At the time we were trying to control
12 -- you're asking me did I know -- I don't
13 understand your question at all.

14 Q. Okay.

15 A. I'm sorry.

16 Q. Sure. Did you know -- well, as of
17 today's date, do you know who came and assisted
18 you with arresting Mr. Boyle from the University
19 of Chicago Police Department?

20 A. Yes.

21 Q. Who came and assisted you?

22 A. Officer Galarza, Kwiatkowski and there
23 were some other officers there. Whoever is on
24 that report, that's who came.

73

1 arrested with two sets of cuffs on because we
2 wouldn't had put one set on him and everything
3 is quiet, then you have an opportunity to see
4 who's there.

5 Q. Okay. So after everything was quiet
6 and you saw who is there, was it then that you
7 realized that it was Galarza, Gillespie and
8 Kwiatkowski that helped you assisting to arrest
9 Mr. Boyle?

10 A. I learned -- yes. And when you asked
11 how Galarza had his shoulder injury, because he
12 got kicked. Gillespie's glasses got slapped off
13 and knocked off his face. Everybody is
14 assessing their injuries now.

15 Q. But did you see Officer Galarza
16 actually get kicked when Mr. Boyle was on the
17 ground?

18 A. Yes, I sure did.

19 Q. How did Mr. Boyle kick Officer Galarza?

20 A. When he was tossing around and we're
21 trying to get cuffs on him now because now help
22 is there now I got handcuffs, he spins around.
23 He's wrestling around and he raised his -- he
24 was -- his in the legs were big and kicked out.

75

1 Q. And how did you later learn that those
2 were the officers that came to assist you with
3 Mr. Boyle?

4 A. I don't understand your question at
5 all.

6 Q. When did you learn that Officers
7 Galarza, Gillespie, Kwiatkowski came and
8 assisted you with -- when did you learn that
9 those were the officers that were assisting you
10 to arrest Mr. Boyle?

11 A. What do you mean by learn?

12 Q. Well, you didn't know that those --
13 that Officer Galarza, Gillespie and Kwiatkowski
14 were the ones assisting on October 18th, 2008;
15 right?

16 A. No, I didn't -- see I don't -- look,
17 your questions are so vague. You're asking me
18 learn, no. I did not care what officers were
19 there to help. They were there to help. I did
20 not have time to count. I can't recollect
21 counting one, two, three, four. I didn't have
22 time to look at anybody's -- they were in
23 uniform, they were University of Chicago Police.

24 How we learned later after this guy was

74

1 He kicked Galarza on the shoulder.

2 Q. Okay. Did you see Mr. Boyle kick
3 Officer Gillespie?

4 A. Somewhere in there I could see him
5 getting kicked, and I saw his glasses fall off
6 his face. My glasses went off my face.

7 Q. You were wearing glasses that night?

8 A. Yes.

9 Q. And did you see where Officer
10 Gillespie's glasses landed?

11 A. No. Somewhere in the vicinity. I saw
12 him pick them up.

13 Q. Did he pick them up in one piece?

14 A. No, his glasses were mangled I believe.
15 I think he had to send home to get -- to have
16 another pair brought or something like that. I
17 don't recall. I knew there was some
18 conversation about that.

19 Q. But do you know if they were still in
20 one piece or if they were actually in more than
21 one piece?

22 MR. PUISZIS: He's asked and answered the
23 question, Counsel.

24 THE WITNESS: I used the word mangled.

76

1 BY MR. KSIAZEK:

2 Q. Okay. How far did your glasses fly off
3 your face?

4 A. Further than we can reach them for
5 sure. I had to look for them.

6 Q. At some point was Mr. Boyle actually
7 placed in handcuffs?

8 A. Two sets of handcuffs.

9 Q. Two sets of handcuffs?

10 A. He never stopped struggling. We could
11 not convince him to cuff him at all. One cuff
12 and we still could not get his hands behind his
13 back to conventional cuff him.

14 Q. So was it a set of cuffs for his legs?

15 A. No.

16 Q. Where were the two cuffs?

17 A. I was able to get one cuff on him, one
18 of my sets of cuffs and some other officer came
19 out with another set of cuffs. We connected the
20 end, the free end of my set of cuffs and the
21 free end of the other officer's set of cuffs and
22 we were able to get Mr. Boyle's hands in the
23 proximity to where those two sets of cuffs and
24 the other cuff could be used to cuff the other

77

1 free hand.

2 Q. So it was your cuffs and another
3 officer's cuffs?

4 A. I have no idea who they were at this
5 time.

6 Q. And you got him in cuffs while he's
7 still on the ground; right?

8 A. Yes. He never cooperated at any point
9 other than to the point where we're on the
10 ground.

11 Q. What did you do once Boyle was in cuffs
12 on the ground?

13 A. I asked him for some assistance. We
14 got him up off the ground, and he was placed on
15 the back of a squad car and leaned forward
16 because he still was resisting. So I had him
17 bent over the trunk of a car, I don't remember
18 if it was my squad car or somebody else's car.

19 He was bent over with his chest over
20 the trunk of the car in a subdued manner so he
21 could not raise back up. I'm telling this man
22 to calm down. It's over. You're under arrest.

23 Q. After you told him that he was under
24 arrest, was that at the point where he calmed

78

1 down or did he keep struggling?

2 A. Ask your question. Help me out here.

3 Q. Did he calm when you told him to calm
4 down when he was under arrest?

5 A. You're asking me when I was speaking to
6 him did he stop, no. He still needed someone
7 there with him.

8 Q. Were you the only officer who was
9 standing by him at that point?

10 A. I don't recall.

11 Q. How did he keep struggling when you
12 told him to calm down, that he's under arrest?

13 A. He was trying to raise up off the car,
14 trying to stand up.

15 Q. And what did you do once he tried to
16 raise above the car and stand up?

17 A. Just place my hand on his back firmly,
18 calm down, you're not going anywhere. That kind
19 of language.

20 Q. At that point did he calm down?

21 A. Somewhere down the line he did calm
22 down where to the point where he could be
23 transported to a squad car and be taken into the
24 21st District and processed, yes.

79

1 Q. Well, that's a large period of time
2 there so --

3 A. I don't know what's large to you or
4 not. The question was just as large.

5 Q. Okay. So after you placed your hand on
6 his back firmly, did you walk him over -- well,
7 actually at that point did you notice any
8 Chicago Police Officers at the scene?

9 A. Chicago Police Officers was there prior
10 to that point --

11 Q. When did you first --

12 A. -- I believe. I have no idea of when
13 they got there. I was not -- I'm only going to
14 repeat what I said before, I don't know. I was
15 in a struggle. I was in a fight. I'm trying to
16 protect myself and trying to restrain a person
17 who's not cooperating. Okay. I have no idea of
18 what time, who was there first, UCP officers,
19 Chicago Police Officers, who drove past, who did
20 not stop, I don't.

21 Q. Did you personally walk -- you don't
22 know, you testified you don't know. I'm sorry.

23 A. Thank you.

24 Q. At some point he was placed in a squad

80

<p>1 car, though, in the CPD squad car, though; 2 right? 3 A. Yes, I believe he was transported by 4 CPD. I'm not sure. 5 Q. Did you have any conversations -- well, 6 did you recognize the Chicago Police Officers 7 who were at the scene that day? 8 A. By uniform, of course. 9 Q. Did you recognize them by name? 10 A. No. 11 Q. Did you have any conversations with the 12 Chicago Police Officers who were at the scene 13 once Mr. Boyle was subdued? 14 A. I don't recall. And what I don't 15 recall is specifically talking whether or not I 16 said something, whether I said anything. I 17 don't recall. To answer your question 18 specifically, I don't recall. 19 Q. You just recall Mr. Boyle being inside 20 the Chicago Police officer patrol car? 21 A. You asked me that already. 22 Q. I know. 23 A. I don't -- 24 Q. I'm asking you if you remember that?</p> <p style="text-align: right;">81</p>	<p>1 drunk, is he mental. 2 Q. What did she say when you asked her 3 that? 4 A. She didn't answer me. One of the other 5 guys, that one of the guys that disappeared and 6 is now back on the inside, he told her to shut 7 up, don't say nothing to nobody. Which one said 8 that, I don't know. I just knew it was one of 9 the two that was with her. 10 Q. Is this the only conversation that you 11 had with Ashley Glover or one of the two guys 12 who had come back on the scene? 13 A. I don't recall any other -- I'm trying 14 to find out who he was. We still didn't know 15 who he was. We probably asked him what was his 16 name. We probably would have asked him a whole 17 lot of information. 18 Q. At any point did you get his 19 identification? 20 A. Yeah. Somebody got it. I don't 21 remember who. To answer your question did I get 22 his identification, did I physically get it? 23 Q. Sure, did you physically get it? 24 A. Not on the scene.</p> <p style="text-align: right;">83</p>
<p>1 A. Do I remember what? 2 Q. Mr. Boyle actually being placed inside 3 the Chicago Police car? 4 A. As I said earlier, I can't remember if 5 he was transferred by UCPD or CPD. I think he 6 was -- I'm almost sure it was UCPD -- I mean, 7 Chicago Police. What conversation I had with 8 the Chicago Police, I don't recall specifically. 9 I'm quite sure we did. I don't know what it 10 was. It had to be something about the situation 11 if I did. 12 Q. Okay. Did you have any conversations 13 with any of the witnesses who were at the scene 14 on October 18th, 2008? 15 A. And who are you speaking of? 16 Q. Did you have any conversations with 17 Ashley Glover at the scene? 18 A. Yes. 19 Q. When did you have this conversation? 20 A. After Boyle was under -- in cuffs, she 21 now was standing outside the car. Prior to the 22 struggle, she never got out the car. I never 23 saw her out the car. And I asked her what's 24 wrong with him, what's going on here, is he</p> <p style="text-align: right;">82</p>	<p>1 Q. But you said another officer did; 2 right? 3 A. Somebody had to. I don't know who. 4 Q. Was it at that point that you learned 5 that this was Charles Boyle? 6 A. At what point, sir? 7 Q. When the officer got identification 8 from Mr. Boyle. 9 A. I wasn't with him when he got the 10 identification. I told you I didn't know. 11 Q. Okay. So after Mr. Boyle went away in 12 the squad car, did you say he went to the 21st 13 District? 14 A. I'm sorry? 15 Q. Did you say he went to the 21st 16 District? 17 A. Yes. 18 Q. And after he went to the 21st District, 19 were you still at the scene after Mr. Boyle had 20 been taken away from the scene? 21 A. Help me understand this, are you asking 22 me when Boyle -- when he was transported away, 23 was I still standing at that scene? 24 Q. That's what I'm asking you, yes.</p> <p style="text-align: right;">84</p>

<p>1 A. Yes.</p> <p>2 Q. How long did you remain at the scene</p> <p>3 after Mr. Boyle had been taken away?</p> <p>4 A. I don't know how long I remained at the</p> <p>5 scene. I can tell you what I did next. Officer</p> <p>6 Torres and I went to the 21st District.</p> <p>7 Q. Okay. Did you have any conversations</p> <p>8 with Mr. — Officer Torres as yourself and him</p> <p>9 traveled to the 21st District?</p> <p>10 A. I'm quite sure we did. What we talked</p> <p>11 — yes, we did.</p> <p>12 Q. Do you remember what you talked about</p> <p>13 on the way there?</p> <p>14 A. Verbatim, no.</p> <p>15 Q. Do you remember the general subject of</p> <p>16 the conversation?</p> <p>17 A. I'm quite sure it was about what we</p> <p>18 just endured. I know we were both — I know I</p> <p>19 expressed that we did a good job in restraining</p> <p>20 this guy. I expressed that the response was</p> <p>21 good. Everybody acted accordingly. This young</p> <p>22 man was very combative, and he did not get hurt.</p> <p>23 Q. This was your first day at the job and</p> <p>24 you said all this?</p> <p style="text-align: right;">85</p>	<p>1 right in terms of our safety and this young</p> <p>2 man's safety.</p> <p>3 Q. Did Officer Torres say anything to you</p> <p>4 while you were on your way to the 21st District</p> <p>5 about any injuries?</p> <p>6 A. I don't recall Officer Torres. I told</p> <p>7 him about mine. My wrist was hurting. I</p> <p>8 sprained my wrist in this. I knew Galarza was</p> <p>9 going to the hospital. And Gillespie, I didn't</p> <p>10 know the extent of his injury at that time.</p> <p>11 Q. How did you know Officer Galarza was</p> <p>12 going to the hospital?</p> <p>13 A. Because I heard it on the scene. I</p> <p>14 think he even said — as I recall, he said I</p> <p>15 have to go get my shoulder looked at and he went</p> <p>16 to the emergency room.</p> <p>17 Q. How did you sprain your wrist?</p> <p>18 A. Wrestling with your client, sir, trying</p> <p>19 to handcuff your client.</p> <p>20 Q. Was this when you were on the ground?</p> <p>21 This was when you're wrestling on the ground;</p> <p>22 right?</p> <p>23 A. Through the whole ordeal. The young</p> <p>24 man was very strong. How old is he? 21 or</p> <p style="text-align: right;">87</p>
<p>1 A. Yes. Thank you.</p> <p>2 Q. Do you know if Officer Torres said</p> <p>3 anything in response to you when you expressed</p> <p>4 these sentiments?</p> <p>5 A. He expressed the same thing in so many</p> <p>6 words. We also talked about the fear that we</p> <p>7 were just placed in.</p> <p>8 Q. What did you say the fear that you were</p> <p>9 just placed in?</p> <p>10 A. He could have got a gun. He could have</p> <p>11 grabbed my gun. I didn't know if he had a</p> <p>12 weapon when we were going through all this.</p> <p>13 We're working together. This is not the end of</p> <p>14 our day so we're sitting here talking about this</p> <p>15 scenario, going through it, talking about</p> <p>16 officer safety because you're right, this is the</p> <p>17 first day, this is the first time I met Officer</p> <p>18 Torres.</p> <p>19 I have no knowledge of his prior police</p> <p>20 experience, so this was a good time for us to</p> <p>21 talk. We talked then, and we talked later about</p> <p>22 officer safety and what we could have done</p> <p>23 differently, if we could have done anything</p> <p>24 differently. And it came out that we did it</p> <p style="text-align: right;">86</p>	<p>1 something like that? I'm 56. There's a little</p> <p>2 difference in muscles.</p> <p>3 Q. Do you recall any time during this</p> <p>4 altercation that Officer Torres had the wind</p> <p>5 knocked out of him?</p> <p>6 A. I remember him being winded. I</p> <p>7 remember at some point in this ordeal him</p> <p>8 gasping.</p> <p>9 Q. Do you remember if he was hunched over</p> <p>10 at any point during the altercation trying to</p> <p>11 catch his breath?</p> <p>12 A. Okay. Because hunched over — we were</p> <p>13 hunched over a lot during this.</p> <p>14 Q. Do you remember if he was hunched over</p> <p>15 trying to catch his breath?</p> <p>16 A. I remember that.</p> <p>17 Q. When was he hunched over?</p> <p>18 A. I can't — whenever he could catch his</p> <p>19 breath. It was several opportunities in there</p> <p>20 that he was able to catch his breath. You had</p> <p>21 to catch a breath with this guy.</p> <p>22 Q. So at some point you arrived at the</p> <p>23 21st District; right?</p> <p>24 A. That's correct.</p> <p style="text-align: right;">88</p>

1 Q. And once you arrived at the 21st
2 District, what did you personally do?
3 A. Sat down.
4 Q. Do you know where you sat down?
5 A. In the holding room where the officers
6 were starting -- the Chicago Police Department
7 was starting their paperwork.
8 Q. Was Mr. Boyle there with --
9 A. Yes.
10 Q. -- yourself?
11 Where was Officer Torres?
12 A. He was in and out of the room.
13 Q. Okay. Did you talk to the Chicago
14 Police Department officers while they were
15 filling out the paperwork?
16 A. Yes.
17 Q. What did you tell the Chicago Police
18 Department officers as they were filling out
19 paperwork?
20 A. Basically what happened.
21 Q. What exactly did you tell them?
22 A. The same thing I told you about the
23 vehicle, the horn sounding, constantly sounding,
24 observing the vehicle, abruptly stopping to the

89

1 curb. Two guys got out. What we talked about
2 with Boyle. Boyle started refusing the
3 information, pushed off on us and it took how
4 many officers, was there six, seven officers,
5 and one of those sets of cuffs on him is mine.
6 Q. Did they say anything in response when
7 you told them what happened?
8 A. Specifically what are you asking me --
9 Q. Well, you were there.
10 A. -- to say?
11 I mean, I could tell you that we talked
12 about our years of experience -- I mean, there
13 was a lot of conversation. Please ask me
14 something specific so I can answer you.
15 Q. I'm asking specifically after you told
16 the Chicago Police Department officers the story
17 that you just told me --
18 A. Okay.
19 Q. -- what specific statements did they
20 make to you?
21 A. I don't recall.
22 Q. Did they write down what you told them
23 on their police report, if you know?
24 A. I don't recall. I -- I'd have to read

90

1 the police report. That's how they wrote it.
2 They do their police report. We do our police
3 report. Officer Torres was in charge of our
4 police report.
5 Q. Did you fill out any paperwork that
6 night on October 18th, 2008?
7 A. I don't recall. When you say any
8 paperwork, I might have did a contact card. I
9 don't recall what paperwork I did do.
10 Q. Did you file any police reports that
11 night?
12 A. I don't recall what I filled out.
13 Q. Did you fill out an injury report?
14 A. Yes.
15 Q. This has been marked previously as
16 Plaintiff's Exhibit 2. I'm showing you what has
17 been Bates stamped 109 through 0114. And I'm
18 specifically showing you Bates stamp numbers
19 00113 and 00114, and I'll let you take a look at
20 this document.
21 A. Okay.
22 Q. This is the injured personal report
23 that you've just referred to?
24 A. Uh-huh.

91

1 Q. And you filled this out yourself?
2 A. No.
3 Q. Who filled this out for you?
4 A. Reporting Officers R. Hill.
5 Q. Do you know when Officer Hill filled
6 this out for you?
7 A. Whatever date and time it says here.
8 Q. Do you know when you spoke with Officer
9 Hill?
10 A. Whatever date and time is on here. I
11 can't read it.
12 Q. Well, I can't read it either so --
13 A. I can't -- you know, what do you want
14 me to do?
15 Q. Do you know --
16 A. Hold on a second here, it says here
17 date reported. I see why you can't read it.
18 Yeah. Okay.
19 Q. So if you look at Page 2 of this
20 document -- I'm sorry, it's the last page of
21 Exhibit 2, which is Bates stamped 01114. This
22 is a paragraph that was written in summary
23 regarding your injuries; correct? You can read
24 that paragraph and then I'll ask you about it.

92

1 A. Yes.
 2 Q. So is that a true and correct
 3 statement?
 4 A. It's a summary.
 5 Q. It's a summary?
 6 A. Yes.
 7 Q. But is the summary correct?
 8 A. Yes.
 9 Q. And is that what you told Officer Hill
 10 at some point on October 18th, 2008?
 11 A. This is a summary.
 12 Q. Is it a summary of what you told
 13 Officer Hill?
 14 A. The bottom line is my left wrist was
 15 injured in the process of handcuffing and
 16 placing offender in custody.
 17 Q. Okay.
 18 A. Okay. That is correct.
 19 Q. So you never -- or you didn't fill out
 20 an injury report yourself, Officer Hill filled
 21 it out for you?
 22 A. Yes. When you say fill out the report,
 23 you said made a report?
 24 Q. I might have said made the report.

93

1 A. If you had asked me did I handwrite the
 2 report and sign off as if I wrote the report, I
 3 would have told you.
 4 Q. Do you know what Mr. Boyle was charged
 5 with?
 6 A. Obstruction and resisting. I didn't
 7 review the police report when I came in here.
 8 Q. Do you know how long you were at the
 9 21st District for?
 10 A. No.
 11 Q. Did you have any conversations with
 12 Mr. Boyle when you were at the 21st District?
 13 A. With Mr. Boyle?
 14 Q. Yes.
 15 A. Yes.
 16 Q. What did you say to him and what he did
 17 say?
 18 A. I asked him what was wrong with him.
 19 Q. When did you ask him what was wrong
 20 with him?
 21 A. When we were at the 21st District.
 22 Q. Was it before or after the paperwork
 23 was being filled out?
 24 A. Before or after or during, I'm not

94

1 sure.
 2 Q. How did he respond when you asked him
 3 what was wrong with him?
 4 A. He didn't.
 5 Q. Did you say anything else to him?
 6 A. Yes, I said why were you doing all
 7 this.
 8 Q. And what did he say if anything in
 9 response?
 10 A. He didn't.
 11 Q. Did you say anything else to Mr. Boyle?
 12 A. I probably asked him that again and
 13 what he said to me, he told me about he played
 14 football at Kenwood and probably -- and I assume
 15 he was talking about why he was able to toss us
 16 around, but I think he said he went to school,
 17 to college. I don't remember if he tried to say
 18 he had a job or anything. I asked him again
 19 whose car was that. He didn't tell me. I asked
 20 him had he been drinking. I asked him was he on
 21 medication, something to that effect.
 22 Q. Did he give you answers to those
 23 questions?
 24 A. No.

95

1 Q. Did you have a conversation with
 2 Officer Torres when you were at the 21st
 3 District?
 4 A. Yeah. Sure.
 5 Q. What did you say to Officer Torres?
 6 A. I don't recall the specifics.
 7 Q. Do you remember generally what the
 8 conversation was about?
 9 A. We were probably talking about the
 10 report. I was probably asking about the
 11 paperwork we need to do, what we need to do, you
 12 know.
 13 Q. Have you ever filled out a Chicago
 14 Police Report before in your time as a Chicago
 15 police officer?
 16 A. Yes.
 17 Q. So you knew how to fill out a Chicago
 18 Police Report; right?
 19 A. Yes.
 20 Q. Did you know how to fill out a
 21 University of Chicago Police Report on October
 22 18th, 2008?
 23 A. I don't understand what you mean did I
 24 know how to. If you give me a report, if I read

96

24 (Pages 93 to 96)

<p>1 it, I could fill in the blanks. I mean, what 2 are you trying to ask me? 3 Q. Well, you had never filled out a 4 University of Chicago Police Report prior to 5 that date; right? 6 A. That is correct. 7 Q. Once the paperwork was all filled out, 8 what did you do? 9 A. From we -- are we still at the 21st 10 District? 11 Q. Yes, still at the 21st District. All 12 the paperwork is done, what do you do? 13 A. I left the station. 14 Q. You left immediately after the 15 paperwork was done? 16 A. Sir, what do you mean immediately? 17 Q. Well -- 18 A. After the process was over, we left the 19 station. 20 Q. By process, do you mean paperwork? 21 A. Paperwork. We done everything we're 22 supposed to do in terms of this process so we 23 leave. 24 Q. Was there anything else that you and</p> <p style="text-align: right;">97</p>	<p>1 because I told you I didn't recall. 2 Q. All right. I'll show you what has been 3 previously marked as Plaintiff's Exhibit 3 and 4 4. These are the contact cards that have been 5 provided by your counsel. 6 Is any of the handwriting on either 7 Plaintiff's Exhibit 3 or Plaintiff's Exhibit 4 8 your handwriting? 9 MS. GIBBONS: Just to make the record clear, 10 it was a group exhibit. 11 MR. KSIAZEK: I'm sorry, you're right. 12 THE WITNESS: It looks like -- you know 13 what, these contact cards would have been signed 14 on the back. Where is the back? 15 BY MR. KSIAZEK: 16 Q. I don't have the back. 17 A. All right. This is close to my 18 handwriting. Ashley Glover, yeah. 19 Q. What other information is located on 20 the back of the contact card? 21 A. There would have been a place for them 22 to be signed. That's about it. Whether they 23 got signed on, I don't know. I don't think I 24 filled out any of this stuff. I mean, this one</p> <p style="text-align: right;">99</p>
<p>1 Officer Torres had to do besides paperwork? 2 A. In terms of what? 3 Q. With Mr. Boyle. 4 A. No. Other than appear in occur. 5 Q. We'll talk about that in a second. Did 6 you have any conversations with Officer Torres 7 after you left the station about what happened 8 with Mr. Boyle? 9 A. Yes. 10 Q. When did you have this conversation? 11 A. Sometime after we left the station. In 12 the same nature that I told you before that we 13 talked about. 14 Q. The same nature, what are you -- 15 A. In terms of what happened, how we did, 16 you know, how we acted properly. That's about 17 it in terms of this. Then we continued with the 18 rest of our tour. 19 Q. So you continued on patrol? 20 A. Yes. 21 Q. Did you say you might have filled out 22 one of the contact cards for -- 23 A. If you want to show me all the 24 document, I can show you what's my handwriting</p> <p style="text-align: right;">98</p>	<p>1 here looks like it's two different handwriting 2 on this one so I really don't know. I can't 3 tell by this. 4 Q. Okay. Have you read the University of 5 Chicago Police Report in this case? 6 A. Not today. 7 Q. Not today, but did you read it at some 8 point? 9 A. Yeah, at some point. 10 Q. When did you read it? 11 MR. PUISZIS: Objection, irrelevant. You 12 can go ahead and answer the question. 13 THE WITNESS: When did I read it? 14 BY MR. KSIAZEK: 15 Q. Yes. 16 A. Specifically what date and what time, I 17 don't recall. 18 Q. Did you read it before you attended 19 court on January 20th, 2009? 20 A. I don't recall if I did or didn't. 21 Q. You said you did attend court in 22 conjunction with this case? 23 A. Every court appearance. 24 Q. So do you recall when the first court</p> <p style="text-align: right;">100</p>

<p>1 appearance was?</p> <p>2 A. The exact date, no.</p> <p>3 Q. If I told you it was December 9th,</p> <p>4 2008, would that sound about right?</p> <p>5 A. I would assume you're telling me the</p> <p>6 truth so --</p> <p>7 Q. And you attended court a second time;</p> <p>8 right?</p> <p>9 A. Yes.</p> <p>10 Q. And do you know if that was on January</p> <p>11 20th, 2009?</p> <p>12 A. I don't recall, but if you told me that</p> <p>13 again, I would have to assume that you're being</p> <p>14 honest and telling me the truth. And I would</p> <p>15 say yes.</p> <p>16 Q. You said earlier you did review your</p> <p>17 testimony from the motion to suppress hearing on</p> <p>18 January 20th, 2009?</p> <p>19 A. I reviewed the testimony prior to</p> <p>20 coming in here today.</p> <p>21 Q. Did you ever fill out a complaint in</p> <p>22 conjunction with this case?</p> <p>23 A. When you say fill out --</p> <p>24 Q. Did you ever write a complaint to be</p> <p style="text-align: right;">101</p>	<p>1 filed in the Circuit Court of Cook County. You</p> <p>2 should ask him if you want to get in this</p> <p>3 minutia, ask him where he signed it.</p> <p>4 BY MR. KSIAZEK:</p> <p>5 Q. You signed this document; right?</p> <p>6 A. The original document, yes.</p> <p>7 Q. So where did you sign this document?</p> <p>8 A. I signed the complaint at the police</p> <p>9 station.</p> <p>10 Q. And that was on October 18th, 2008;</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. And the complaint reads resisting or</p> <p>14 obstructing a peace officer and that he</p> <p>15 knowingly resisted performance -- is that</p> <p>16 performance?</p> <p>17 A. Yes.</p> <p>18 Q. Of PO Moore of an authorized act within</p> <p>19 his official capacity to be a peace officer</p> <p>20 engaged in the execution of his duties and that</p> <p>21 he resisted investigatory stop by failing to</p> <p>22 produce ID and became combative by flailing his</p> <p>23 arms.</p> <p>24 Did I read that correctly; right?</p> <p style="text-align: right;">103</p>
<p>1 filed in the Circuit Court against Mr. Boyle?</p> <p>2 A. Are you asking me did I personally --</p> <p>3 Q. Yes.</p> <p>4 A. -- write the complaint?</p> <p>5 Q. Yes.</p> <p>6 A. And write in there all the wording in</p> <p>7 the complaint?</p> <p>8 Q. I'm asking you that, yes.</p> <p>9 A. No.</p> <p>10 Q. Did you ever sign a complaint?</p> <p>11 A. Yes, I believe I did.</p> <p>12 MR. KSIAZEK: We'll mark this as Exhibit 11.</p> <p>13 (Whereupon, PLAINTIFF'S</p> <p>14 Deposition Exhibit No. 11 was</p> <p>15 marked for identification.)</p> <p>16 BY MR. KSIAZEK:</p> <p>17 Q. This is a complaint that you signed in</p> <p>18 Circuit Court of Cook County, Illinois; correct?</p> <p>19 MR. PUISZIS: I object. I don't know that</p> <p>20 he signed it in the Circuit Court of Cook</p> <p>21 County.</p> <p>22 MR. KSIAZEK: Well, the complaint is in the</p> <p>23 Circuit Court of Cook County.</p> <p>24 MR. PUISZIS: The complaint is ultimately</p> <p style="text-align: right;">102</p>	<p>1 MR. PUISZIS: I object because I don't</p> <p>2 believe the complaint that was signed in the</p> <p>3 police station included by flailing his arms and</p> <p>4 you know it, Counsel, if you read the</p> <p>5 transcript.</p> <p>6 THE WITNESS: And my answer concurs with</p> <p>7 counsel.</p> <p>8 BY MR. KSIAZEK:</p> <p>9 Q. So you signed everything by flailing by</p> <p>10 his arms?</p> <p>11 MR. PUISZIS: And there's also Chicago, Cook</p> <p>12 County, Illinois above.</p> <p>13 BY MR. KSIAZEK:</p> <p>14 Q. But you did not write that; right?</p> <p>15 A. That is correct.</p> <p>16 Q. So the Chicago Police Officers wrote</p> <p>17 that; correct?</p> <p>18 A. Which part of this?</p> <p>19 Q. That paragraph that I just read where</p> <p>20 it states committed the offense of? And, in</p> <p>21 fact, the Chicago Police Officers wrote this</p> <p>22 whole document except for your signature; right?</p> <p>23 MS. GIBBONS: Objection, foundation.</p> <p>24</p> <p style="text-align: right;">104</p>

1 BY MR. KSIAZEK:
2 Q. Is that a yes?
3 A. Say that again.
4 Q. The Chicago Police Officers wrote
5 everything on this complaint except for your
6 signature; right?
7 MS. GIBBONS: Same objection.
8 MR. PUISZIS: Well, there's language in here
9 that was added to my understanding in court, and
10 I don't believe that was -- the police officers
11 who added that. I think it was the prosecutor
12 who did. So I'd object to the question.
13 MS. GIBBONS: I join.
14 BY MR. KSIAZEK:
15 Q. But you can answer the question. So
16 the Chicago Police Officers wrote everything on
17 this document excluding what we have talked
18 about and your signature; right?
19 A. That's correct.
20 Q. Does the statement here that says --
21 that paragraph that I read to you starting with
22 committing the offense of, is that a true and
23 correct statement of what happened that night on
24 October 18?

105

1 A. Resisting obstructing, yes. Being
2 combative, yes. Failing to produce ID, yes.
3 Resisting an investigation stop, yes.
4 MR. KSIAZEK: I will make this Plaintiff's
5 Exhibit 12.
6 (Whereupon, PLAINTIFF'S
7 Deposition Exhibit No. 12 was
8 marked for identification.)
9 BY MR. KSIAZEK:
10 Q. You did actually testify in court on
11 January 20th, 2009; correct?
12 A. Again, if that's the day you're telling
13 me, I have to assure that you're being correct
14 and truthful, yes.
15 Q. Sure. And you were under oath; right?
16 A. Yes.
17 Q. What I've handed you and what's been
18 marked for identification purposes as
19 Plaintiff's Exhibit 12. These are your Answers
20 to Plaintiff's Interrogatories.
21 Do you recognize this document?
22 A. Yes.
23 Q. Okay. If you turn to the last page, on
24 Page 10, that's your signature on the last page;

106

1 correct?
2 A. Yes.
3 Q. If you turn to Page 3, in the middle of
4 the page, the second paragraph and the second
5 sentence of the second paragraph says, Officer
6 Gerald Johnson and Lieutenant White from the
7 University of Chicago Police Department were on
8 the scene at some point?
9 A. Yes.
10 Q. Did you see Officer Johnson and
11 Lieutenant White on the scene on October 18th,
12 2008?
13 A. Yes.
14 Q. When did you see them on the scene?
15 A. Sometime during that ordeal.
16 Q. Do you know if it was before or after
17 Mr. Boyle was in handcuffs?
18 A. I don't know.
19 I need a restroom break.
20 (Whereupon, a short break was
21 taken.)
22 MR. KSIAZEK: We're back on the record.
23 THE WITNESS: Yes, sir.
24

107

1 BY MR. KSIAZEK:
2 Q. If I could direct your attention in
3 Plaintiff's Exhibit 12 to Page 8, and we're
4 looking at question number 11.
5 A. Yes, sir.
6 Q. And your answer to question 11 you
7 state, subject to those -- and this is the last
8 two sentences in your answer to question 11.
9 Subject to those objections and without waiving
10 the same, I am not aware of any complaints ever
11 having been filed against me with the University
12 of Chicago other than this one.
13 Have you had any complaints filed
14 against you since you sent these documents on --
15 or since you signed this document on July 21st,
16 2009?
17 A. Say that again, please.
18 Q. Have you had any complaints filed
19 against you while in your capacity as University
20 of Chicago police officer since you provided
21 these answers to your counsel?
22 A. No. You're talking about outside of
23 this case; right?
24 Q. Right.

108

27 (Pages 105 to 108)

1 A. Excluding this case.

2 Q. Is there any other information
3 regarding the incident on October 18th, 2008
4 that we haven't talked about today that you're
5 aware of?

6 MR. PUISZIS: I object to the vagueness of
7 the question.

8 BY MR. KSIAZEK:

9 Q. Is there anything else you want to
10 state today about what happened on October 18th,
11 2008 that we haven't talked about previously?

12 MR. PUISZIS: Objection to the vagueness of
13 the question. Anything else he wants to state?
14 If you have a specific question, then ask him a
15 specific question.

16 Do you have anything else you want to
17 state?

18 THE WITNESS: Well, I'm waiting on to get
19 some -- all I'm going to do is ask you again
20 specifically what you want me to answer so I can
21 answer it.

22 BY MR. KSIAZEK:

23 Q. Have you talked to Officer Torres since
24 October 18th, 2008 about what happened on that

109

1 THE WITNESS: And I'm not trying to agitate
2 you or anything but I need to know exactly what
3 you're talking about. Are you talking about
4 after when we testified and go out in the hall
5 and don't talk about this or are you trying to
6 get to that or are you saying before we went to
7 court, you know, hey, we're going to court.

8 What are you saying? Ask me something --

9 BY MR. KSIAZEK:

10 Q. Did you talk before you went to court?
11 Did you talk with Officer Torres before you went
12 to court on December 9th, 2008?

13 A. Yes.

14 Q. What did you say to Officer Torres on
15 December 9th, 2008?

16 A. I can't believe this is still going on.

17 This guy was wrong, and now he's trying to sue.

18 Q. Well, that was actually his criminal
19 case.

20 A. Excuse me? You asked me about December
21 9th.

22 Q. Right.

23 A. Okay. That's the kind of conversation
24 I had with him.

111

1 date?

2 A. No.

3 Q. You haven't?

4 A. No. The court date, that kind of
5 thing, court notifications, when is your, you
6 know, dates.

7 Q. Did you talk to him when yourself and
8 Officer Torres appeared in court?

9 Did you talk to Officer Torres about
10 this case about what happened on October 18th,
11 2008 when yourself and Officer Torres appeared
12 in court?

13 A. At what point?

14 Q. Did you talk to him on December 9th,
15 2008, Officer Torres?

16 A. December 9th?

17 Q. Yes. When you first appeared in court
18 in regards to the criminal case against
19 Mr. Boyle, did you talk to Officer Torres at
20 that point?

21 MR. PUISZIS: About this case or about --

22 MR. KSIAZEK: About this, that's what I'm
23 asking.

24 MR. PUISZIS: -- or things in general?

110

1 Q. Did he say anything in response?

2 A. Pretty much he agreed.

3 Q. Where did you have that conversation?

4 A. Where?

5 Q. Where.

6 A. I don't recall. I don't know if that's
7 the day he drove us to court or if it was
8 another day.

9 Q. Did you have a conversation with
10 Officer Torres once you were inside the
11 courthouse about this case?

12 A. No.

13 Q. Did you have a conversation on January
14 20th, 2009 with Officer Torres about this case,
15 either before court, during court, after court?

16 A. Before court, we did have a
17 conversation because I do recall talking to him
18 about finally his witnesses -- that was the last
19 court case, right, the January that you asked me
20 about; is that correct?

21 Q. I think so, yes.

22 A. I mean, you gave me the dates so I
23 don't recall. So, yeah, we talked -- I remember
24 talking to him about, oh, the guys, those three

112

28 (Pages 109 to 112)

<p>1 people finally showed up. So we had that kind 2 of conversation.</p> <p>3 Q. Do you know exactly what you said to 4 him and what he said to you?</p> <p>5 A. Not verbatim, no. I know he responded 6 to me, yeah, now they're coming, why weren't 7 they here before, that kind of comment.</p> <p>8 Q. And have you spoken to Officer Torres 9 about this case since January 20th, 2009?</p> <p>10 MR. PUISZIS: When you say about this case, 11 what do you mean? About the fact they've been 12 sued, about the fact that there's depositions 13 pending, about the substance of what happened? 14 Because unless it's about the substance of what 15 happened, it's irrelevant and immaterial.</p> <p>16 BY MR. KSIAZEK:</p> <p>17 Q. You can answer the question.</p> <p>18 A. We did talk about the deposition 19 because it was changed and he called me and 20 asked me what date it was. I looked at the 21 schedule that they printed out and I gave him 22 the date he was supposed to go.</p> <p>23 MR. KSIAZEK: Nothing further at this time.</p> <p>24</p> <p style="text-align: right;">113</p>	<p>1 scene?</p> <p>2 A. I don't recall. Our supervisors were 3 wearing white shirts, too, so I don't recall.</p> <p>4 MS. GIBBONS: I have nothing further.</p> <p>5 EXAMINATION</p> <p>6 BY MR. PUISZIS:</p> <p>7 Q. Officer Moore, on October 18th of 2008, 8 how old were you, sir?</p> <p>9 A. 55.</p> <p>10 Q. And do you normally go looking to 11 wrestle with 21-year old former football players 12 in your capacity either as a Chicago police 13 officer or a University of Chicago police 14 officer?</p> <p>15 A. No, sir.</p> <p>16 MR. KSIAZEK: That's leading. Objection.</p> <p>17 BY MR. PUISZIS:</p> <p>18 Q. You had mentioned earlier about you 19 thought that -- you were questioned about why 20 the vehicle was suspicious and you said 21 something about your experience as a police 22 officer, do you remember that?</p> <p>23 A. Yes.</p> <p>24 Q. Can you tell us or share with us what</p> <p style="text-align: right;">115</p>
<p>1 EXAMINATION</p> <p>2 BY MS. GIBBONS:</p> <p>3 Q. Officer Moore, I just have a few 4 questions for you. Taking you back to the date 5 of the incident, I know there was a lot going on 6 but I'm just trying to best understand when you 7 first saw the Chicago Police Department on the 8 scene.</p> <p>9 As I recall, you testified that it 10 wasn't until Mr. Boyle was up and you had him 11 handcuffed and against a squad car; is that 12 correct?</p> <p>13 A. I think so. I don't recall exactly 14 when they were there. I do remember seeing a 15 squad car. I don't recall exactly what time 16 they got there or anything like that.</p> <p>17 Q. Do you recall approximately how many 18 Chicago police officers were on the scene?</p> <p>19 A. I don't remember. I know -- I remember 20 one car. I don't remember -- I'm quite sure 21 afterwards there might have been some cars that 22 drove passed but I don't remember.</p> <p>23 Q. Do you recall seeing a Chicago Police 24 sergeant or a supervisor in a white shirt on the</p> <p style="text-align: right;">114</p>	<p>1 your experience was as a police officer that led 2 you to believe that was a suspicious vehicle or 3 why you thought it might be stolen?</p> <p>4 A. Well, in my experience if the horn is 5 stuck in the horn position constantly blowing, 6 it could mean somebody shorted out the alarm 7 system or tried to hot wire the car. The other 8 thing was the way this car abruptly hit the 9 curb, it was like the steering could have locked 10 up on the driver.</p> <p>11 Q. Now, what's the significance of the 12 steering locking up on the driver as it relates 13 to possibly being a stolen vehicle?</p> <p>14 A. The column could have been peeled and 15 they used a prying object to engage into start.</p> <p>16 Q. And when you said that the --</p> <p>17 A. Steering column.</p> <p>18 Q. -- steering column, you talked about 19 hot wiring, what could happen when you hot wire 20 a car that would cause the alarm to go off or 21 would cause the horn to go off?</p> <p>22 A. Well, if the alarm is connected to the 23 horn, if the alarm mechanism, the noise 24 mechanism is the horn, then if that's interfered</p> <p style="text-align: right;">116</p>

1 with, it would make the horn go into a stop --
2 constant horn instead of an alarming horn with
3 intermittent sounds.

4 Q. Well, you were a Chicago police officer
5 for 24 years before this incident?

6 A. Yes.

7 Q. Can you tell us what areas of the City
8 you worked?

9 A. I worked in the 3rd District at 7040
10 South Cottage Grove. I came on the job in May
11 of '85. I did my time in the academy. And as
12 of February of '86, I was on a tactical unit. I
13 worked all the way up until the tactical unit in
14 the 3rd District until 1998.

15 Q. Now, does the part of the University of
16 Chicago jurisdiction or boundaries include the
17 3rd Police District?

18 A. That is correct.

19 Q. So you've had experience with
20 University of Chicago officers during the time
21 you were a Chicago police officer working in the
22 3rd District; correct?

23 A. Correct.

24 Q. And you were aware of the fact that

117

1 that the University of Chicago officers are
2 involved in; correct?

3 A. That is correct.

4 Q. Now, besides being a police officer, do
5 you have any other experience in any other
6 capacity that led you to have experience with
7 vehicles that may have been stolen or hot wired
8 or had their ignition lock broken?

9 A. My dad owned a gas station from 1962
10 until 1976. 1975 I was part owner of a gas
11 station, so I grew up around his cars.

12 Q. And did you ever have occasion to
13 repair vehicles after the engine column was
14 peeled, after vehicles were hot wired or after
15 the ignition lock was broken?

16 A. Yes.

17 Q. Okay. And have you firsthand
18 experience with observing cars having problems
19 with steering after the ignition lock was
20 broken and the steering column peeled as you've
21 described for us a little while ago?

22 MR. KSIAZEK: Objection, leading.

23 THE WITNESS: Yes, professionally as a
24 police officer and personally and back in the

119

1 typically Chicago police officers fill out
2 complaint forms; correct?

3 A. Yes.

4 Q. University of Chicago officers usually
5 don't fill out complaint forms; correct?

6 A. That is correct.

7 MR. KSIAZEK: Leading. Objection.

8 BY MR. PUISZIS:

9 Q. Who decides what charges to be placed,
10 the University of Chicago officers or someone
11 else?

12 A. Someone else. Ultimately it's someone
13 else.

14 Q. Does the Process of Felony Review get
15 involved at all?

16 A. At the Chicago police level, yes.

17 Q. And just so the record is clear, what
18 is Felony Review, and what does that entail?

19 A. That entails from my experience as a
20 Chicago police officer, the State's Attorney
21 hearing the facts in the case and make a
22 decision of whether or not they're going to
23 prove felony charges or not.

24 Q. Okay. And again, that's not something

118

1 day. As a police officer, I have been involved
2 in numerous stolen car arrests, recoveries and
3 actually I've had vehicles, attempted to drive
4 vehicles that the columns have been peeled and
5 actually know how that steering can lock up on
6 you.

7 BY MR. PUISZIS:

8 Q. So when you observed the vehicle veer
9 or I forget exactly the term you used, and
10 bounce into the curb, based on your years of
11 experience as a Chicago police officer and as
12 working in a garage mechanic repairing stolen
13 vehicles, what did you reasonably believe based
14 on that years of experience and your
15 observations that day?

16 A. I believe the driver of that car was
17 not in control of that steering and that
18 steering could possibly have been locked.

19 Q. And is that a factor that led you to
20 believe could indicate that this may have been a
21 stolen vehicle?

22 A. Yes.

23 Q. And you didn't know if it was stolen or
24 not but you certainly had suspicions at that

120

1 time, would that be fair to say?
 2 A. Yes, that suspicion and others.
 3 Q. Is it lawful to resist any arrest –
 4 A. No.
 5 Q. – Officer Moore?
 6 A. No.
 7 Q. The University of Chicago officers are
 8 permitted to detain people on the street;
 9 correct?
 10 A. Yes.
 11 MR. KSIAZEK: Objection, leading.
 12 BY MR. PUISZIS:
 13 Q. And are University of Chicago officers
 14 permitted to place people into handcuffs for
 15 their safety while they're being detained?
 16 A. Yes.
 17 Q. And typically if a University of
 18 Chicago officer observes conduct that he or she
 19 reasonably believes may constitute a crime, are
 20 they permitted to detain someone and call the
 21 Chicago Police?
 22 A. Yes.
 23 Q. Now, you described during the course of
 24 the struggle, the point in time when you and

121

1 Officer Torres and the plaintiff Mr. Boyle fell
 2 to the ground; correct?
 3 A. Yes.
 4 Q. And this was at a point in time shortly
 5 after Officer Torres had been pushed into the
 6 open doorway area of your squad; correct?
 7 A. That's correct.
 8 Q. Okay. Now, after the three of you fell
 9 to the ground, did the struggle end then?
 10 A. No.
 11 Q. What happened?
 12 A. We did the best we could to hold on to
 13 this young man and to obstruct his attempt to
 14 break loose and strike out. Subsequently, okay.
 15 But once help came, that was the only time we
 16 were able to control him enough to handcuff him.
 17 And as I stated before, he was still so
 18 uncontrollable. He could not be handcuffed
 19 conventionally with one pair of cuffs.
 20 Q. But did you remain in the area of the
 21 passenger side of your squad or did the
 22 struggle, move from that location to another
 23 location?
 24 A. No. We were – once we were on the

122

1 ground near approximately the passenger door,
 2 that area, we struggled with this young man to
 3 the back of the vehicle and closer to the main
 4 lane of the street.
 5 Q. When you say the back of the vehicle,
 6 are you talking about the Chrysler or the back
 7 of your squad?
 8 A. The back of the squad.
 9 Q. And so at some point then you were in
 10 the middle or close to the middle of the street?
 11 A. Yes.
 12 Q. Okay. Let's back up a second. The
 13 Chrysler was against the curb; correct?
 14 A. Yes.
 15 Q. Your squad was positioned behind it and
 16 on an angle?
 17 A. Yes.
 18 Q. And was the back of your car extending
 19 into the middle lane of traffic?
 20 A. Yeah, kind of –
 21 MR. KSIAZEK: Objection, leading.
 22 THE WITNESS: – sort of. Yes, kind of,
 23 sort of. It was not crossed into the opposite
 24 lane of traffic.

123

1 BY MR. PUISZIS:
 2 Q. Right. But typically when you see a
 3 squad – typically when you see police pull
 4 behind someone, they position their vehicle part
 5 way into the next lane of traffic to protect
 6 them as they approach the driver side door;
 7 correct?
 8 A. That's correct.
 9 Q. And that's something that officers are
 10 trained to do; correct?
 11 A. Correct.
 12 MR. KSIAZEK: Objection, foundation.
 13 BY MR. PUISZIS:
 14 Q. So that you aren't hit by another
 15 vehicle as you walk towards the driver side of
 16 the door; correct?
 17 A. That's correct.
 18 Q. Now, as you said you were observing
 19 what was happening and you saw two men get out
 20 of the car and walk away from the vehicle;
 21 correct?
 22 A. That's correct.
 23 Q. There were still two people either
 24 inside the vehicle or at some point one inside

124

<p>1 and one outside the vehicle; correct?</p> <p>2 A. Yes.</p> <p>3 Q. And you were trying to determine if</p> <p>4 what was happening if that was a stolen car;</p> <p>5 correct?</p> <p>6 MR. KSIAZEK: Objection, leading.</p> <p>7 BY MR. PUISZIS:</p> <p>8 Q. As you approached the vehicle?</p> <p>9 A. Correct.</p> <p>10 Q. Now, was it your intent to place</p> <p>11 Charles Boyle under arrest as you walked towards</p> <p>12 him and he was then asked whose car this was?</p> <p>13 A. No, that was not my intent.</p> <p>14 Q. Now, of the four people who were in the</p> <p>15 car, who was the greatest threat to your and</p> <p>16 Officer Torres's safety, the person in the car,</p> <p>17 the person in the front of the car or the two</p> <p>18 guys who walked away and was out of your sight?</p> <p>19 MR. KSIAZEK: Objection to the</p> <p>20 characterization as a threat.</p> <p>21 THE WITNESS: The person in front of the</p> <p>22 car, Mr. Boyle.</p> <p>23 BY MR. PUISZIS:</p> <p>24 Q. Have you been trained in, you know,</p>	<p>1 squad from where it was parked to where you</p> <p>2 positioned it behind the silver Chrysler before</p> <p>3 this incident occurred?</p> <p>4 A. The exact footage, I can't tell you.</p> <p>5 I'd say 20, 30 feet, two car lengths, a car</p> <p>6 length and a half. I'm not sure.</p> <p>7 Q. Was there anything unusual about the</p> <p>8 fact that the two people got out of the car</p> <p>9 almost immediately after the vehicle had</p> <p>10 occurred?</p> <p>11 A. Yes.</p> <p>12 Q. What was unusual about that?</p> <p>13 A. One, they didn't look back.</p> <p>14 Q. What was the significance of them not</p> <p>15 looking back in your mind as a police officer</p> <p>16 with over 24 years of experience?</p> <p>17 A. The significance was that they know</p> <p>18 they passed the police, the horn is constantly</p> <p>19 going on, the horn sounding and they hit the</p> <p>20 curb abruptly. And they get out of the car,</p> <p>21 they didn't look back. And they were like</p> <p>22 determined to just walk away.</p> <p>23 But in assessing all this, that -- as</p> <p>24 far as when they were walking further east, in</p>
<p>1 terms of how to safely handle police stops?</p> <p>2 A. Yes.</p> <p>3 Q. Have you been trained on assessing</p> <p>4 threat levels as a police officer?</p> <p>5 A. Yes.</p> <p>6 Q. And have you had on-the-job experience</p> <p>7 in your 24 years as a Chicago police officer in</p> <p>8 this regard?</p> <p>9 A. Yes.</p> <p>10 Q. At some point do you remember Mr. Boyle</p> <p>11 actually being on all fours being on the ground</p> <p>12 and trying to get up --</p> <p>13 A. Yes.</p> <p>14 Q. -- during the course of struggle?</p> <p>15 Do you remember during the course of</p> <p>16 these events that that occurred?</p> <p>17 A. Not exactly, but other than it was in</p> <p>18 the street, we were still in the street. And it</p> <p>19 was after we had all went to the ground and he</p> <p>20 was still trying to get up.</p> <p>21 Q. How would you describe Mr. Boyle, was</p> <p>22 he a weakling or was he a strong young man?</p> <p>23 A. Very strong young man.</p> <p>24 Q. About how far did you have to drive the</p>	<p>1 assessing them walking away, then Boyle gets out</p> <p>2 of the car, they disappear in the vicinity of</p> <p>3 that bank. They're no longer visible. Now</p> <p>4 Boyle was there.</p> <p>5 So our focus had to be turned on Boyle,</p> <p>6 and the horn is still going off and there's</p> <p>7 somebody else in the vehicle. So a stolen car,</p> <p>8 do we have a person in distress that was pushing</p> <p>9 the horn, we don't know what we had in terms of</p> <p>10 that. So everything was still up in the air</p> <p>11 there.</p> <p>12 Leaning more towards a stolen car, bank</p> <p>13 vicinity, another person in the car. In my</p> <p>14 experience, it could have been anything, stolen</p> <p>15 car, somebody at the ATM machine, forcing</p> <p>16 somebody to make a payment, we don't know.</p> <p>17 Q. And what time of the day or evening was</p> <p>18 this?</p> <p>19 A. This is approximately 2:30 in the</p> <p>20 morning which is even more concerning.</p> <p>21 Q. Why is that?</p> <p>22 A. At 2:30 in the morning, just being 55</p> <p>23 years old, who's goes to the ATM or what purpose</p> <p>24 are you going to a bank at 2:30 in the morning.</p>

125

127

126

128

32 (Pages 125 to 128)

1 Even the liquor store is now closed. So very,
2 very unusual.

3 Q. And were there parking spots do you
4 know in front of that Bank of America on 53rd
5 Street?

6 A. The parking on that whole south side
7 was very scarce. There was plenty -- I mean,
8 there was no parking pretty much.

9 Q. I'm sorry, there was --

10 A. At that time of night on 53rd and
11 especially at night there was not that many cars
12 parked there. There was plenty of parking
13 spaces out there.

14 Q. So if somebody wanted to go to the ATM,
15 they could have parked at or near in front of
16 the Bank of America?

17 A. Yes. And even in this case, this guy
18 headed up -- the way -- he had no cars to avoid.
19 It was like he's just crashed into the curb
20 almost because he had nothing there interfering
21 or going into the curb. He didn't have to park.
22 He could have just drove up and parked in front
23 of the place or wherever he wanted to go.

24 MR. PUISZIS: Thank you. I don't have

129

1 MR. KSIAZEK: I think that's all I have.

2 MS. GIBBONS: I have nothing further.

3 MR. PUISZIS: Neither do I. Signature is
4 reserved.

5 (Whereupon, the deposition
6 concluded at 5:15 o'clock
7 p.m.)

8 (FURTHER DEPONENT SAITH NAUGHT.)
9

131

1 anything else.

2 FURTHER EXAMINATION

3 BY MR. KSIAZEK:

4 Q. When you were parked behind this
5 Chrysler and you saw the driver get out of the
6 vehicle, your partner Officer Torres didn't call
7 for back-up; right?

8 A. No.

9 Q. Okay. And when you saw Mr. Boyle get
10 out of the car, you didn't call for back-up;
11 right?

12 A. We were out the car. No, we did not
13 call for back-up at that point.

14 Q. Even though all these things were going
15 on, the driver and the passenger were walking
16 down the street out of your point of view and
17 Mr. Boyle was in front of the car?

18 A. There was no physical contact with
19 these guys at this point, there was no weapon
20 being displayed at us. You know, we're -- I did
21 not call for back-up at this point.

22 We called for back-up but we couldn't
23 control your client. And if he had complied, we
24 would not have to call for back-up.

130

1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION

4 CHARLES BOYLE,)

5 Plaintiff,)

6 -vs-) No. 09 C 1080

7 UNIVERSITY OF CHICAGO)

8 POLICE OFFICER LARRY)

9 TORRES, et al.,)

10 Defendants.)

11 I, CLARENCE MOORE, being first duly
12 sworn, on oath say that I am the deponent in the
13 aforesaid deposition taken on the 10th day of
14 November, 2009; that I have read the foregoing
15 transcript of my deposition, consisting of pages
16 6 through 130 inclusive, and affix my signature
17 to same.

18 _____
19 CLARENCE MOORE

20 Subscribed and sworn to
21 before me this _____ day
22 of _____, 2010.

23 _____
24 Notary Public

132

1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF COOK)

4 I, ATHANASIA MOURGELAS, a notary public
5 within and for the County of Cook County and
6 State of Illinois, do hereby certify that
7 heretofore, to-wit, on the 10th day of November,
8 2009, personally appeared before me, at 222
9 North LaSalle Street, Suite 300, Chicago,
10 Illinois, CLARENCE MOORE, in a cause now pending
11 and undetermined in the Circuit Court of Cook
12 County, Illinois, wherein CHARLES BOYLE, is the
13 Plaintiff, and UNIVERSITY OF CHICAGO POLICE
14 OFFICER, et al., are the Defendants.

15 I further certify that the said CLARENCE
16 MOORE was first duly sworn to testify the truth,
17 the whole truth and nothing but the truth in the
18 cause aforesaid; that the testimony then given
19 by said witness was reported stenographically by
20 me in the presence of the said witness, and
21 afterwards reduced to typewriting by
22 Computer-Aided Transcription, and the foregoing
23 is a true and correct transcript of the
24 testimony so given by said witness as aforesaid.

133

1 McCorkle Court Reporters, Inc.
2 200 N. LaSalle Street Suite 300
3 Chicago, Illinois 60601-1014

4 January 6th, 2010

5 Mr. Steve M. Puiszis

6 Hinshaw & Culbertson

7 222 North LaSalle Street

8 IN RE: Boyle v. University of Chicago, et al.

9 COURT NUMBER: 09 C 1080

10 DATE TAKEN: November 10, 2009

11 DEPONENT: Clarence Moore

12 Dear Mr. Puiszis:

13 Enclosed is the deposition transcript for the
14 aforementioned deponent in the above-entitled
15 cause. Also enclosed are additional signature
16 pages, if applicable, and errata sheets.

17 Per your agreement to secure signature, please
18 submit the transcript to the deponent for review
19 and signature. All changes or corrections must
20 be made on the errata sheets, not on the
21 transcript itself. All errata sheets should be
22 signed and all signature pages need to be signed
23 and notarized.

24 After the deponent has completed the above,
please return all signature pages and errata
sheets to me at the above address, and I will
handle distribution to the respective parties.
If you have any questions, please call me at the
phone number below.

20 Sincerely,

21 Margaret Setina Athanasia Mourgelas
22 Signature Department Court Reporter
(312) 263-0052

23 cc: Mr. Kslazek, Ms. Gibbons.

24

135

1 I further certify that the signature to
2 the foregoing deposition was reserved by counsel
3 for the respective parties.

4 I further certify that the taking of this
5 deposition was pursuant to notice and that there
6 were present at the deposition the attorneys
7 hereinbefore mentioned.

8 I further certify that I am not counsel
9 for nor in any way related to the parties to
10 this suit, nor am I in any way interested in the
11 outcome thereof.

12 IN TESTIMONY WHEREOF: I have hereunto
13 set my hand and affixed my notarial seal this
14 6th day of January, 2010.

15
16
17
18
19
20 NOTARY PUBLIC, COOK COUNTY, ILLINOIS
21 LIC. NO. 84-4329
22
23
24

134

34 (Pages 133 to 135)

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Chicago, Illinois (312) 263-0052

A	angle 39:18 123:16	23:21 75:1	74:9,14 75:8	badgering 29:17	17:18 117:18
ability 51:11	answer 4:20,21,24 5:9	arresting 73:18	ASSOCIATES 2:2	balance 62:16	Boyle 1:4 44:18,19
able 61:10 77:17,22	5:11,19,22	arrests 24:12 120:2	assume 5:1 95:14	bank 40:18,21 47:22	45:7,9 46:3
88:20 95:15	13:1 14:11	arrive 71:4,7,12	101:5,13	48:16 48:17	46:13,22
122:16	29:23 31:15	72:11	assure 106:13	48:4 128:3	47:16 48:17
above-entitled 135:10	36:12 42:20	arrived 20:16 42:18	Athanasia 1:15,22 133:4	128:12,24	48:20 49:1,4
abruptly 34:9 35:8	43:21 57:3	71:17,20	135:21	129:4,16	49:8,20 50:2
89:24 116:8	62:1 68:11	72:15 88:22	ATK 128:15,23	based 36:13 120:10	50:7,13
127:20	81:17 83:4	89:1	129:14	120:13	52:10,16
academy 117:11	83:21 90:14	artificial 48:13	attached 61:11	Basically 4:17 89:20	53:8 55:13
accident 23:24	100:12 104:6	Ashley 82:17 83:11	attempt 23:19 122:13	Bates 91:17,18 92:21	55:15 56:19
accurately 63:10	105:15 108:6	99:18	attempted 24:2 120:3	baton 23:3	58:20,20
achieved 11:23	108:8 109:20	asked 24:8 25:5	attend 7:8,11 15:3	battery 24:2	58:19,20
act 103:18	109:21	29:12,17,19	100:21	beat 12:1,7,9,11	59:13,15,18
acted 85:21 98:16	113:17	31:12 36:11	attended 7:15,19 100:18	14:7,16,18	61:2,7,23
Adams 2:4	answered 6:4 25:6 29:12	42:18 43:20	101:7	14:21,23	62:19,21,22
added 105:9,11	5:13 6:14 51:9	48:18,18,20	attention 108:2	15:13 17:16	63:16,17,19
additional 135:11	95:22 106:19	48:22,22,23	Attorney 118:20	23:2	64:5,11,15
address 26:19 135:17	108:21	49:1,4,8,13	attorneys 134:6	beats 17:13	64:21,22
administration 7:18	anybody 40:1	49:19,21,23	August 8:17,20,21,24	began 13:13	65:16,19,20
Affairs 26:9,15,16,18	anybody's 74:22	49:23 50:2,7	9:6,10,22	believe 9:13 19:24	66:1,22
affix 132:16	appear 98:4	50:11,15,17	10:1,6,14	84:11,19,22	67:19,22
affixed 134:13	APPEARANCES 2:1	50:20,23	11:11 12:10	85:3 89:8	68:8,9 70:9
afford 7:21	appeared 110:8,11,17	51:7,17 52:1	27:24	90:2,2 94:4	71:16 72:23
aforementioned 135:10	133:8	55:13 61:20	authorized 103:18	94:12,13	73:18 74:3
aforesaid 132:13 133:18	applicable 135:11	62:1 64:8	average 13:21 14:4	84:11,19,22	74:10 75:9
133:24	approach 124:6	65:19,20	avoid 129:18	85:3 89:8	75:16,19
aggravated 24:2	approached 125:8	68:23 70:1	aware 108:10 109:5	90:2,2 94:4	76:2 77:6
agitate 111:1	approaching 39:20	75:10 76:22	117:24	94:12,13	78:11 81:13
ago 4:11,13 12:6	approximately 11:14 38:17	78:13 81:21	a.m. 20:1	95:11 98:3,8	81:19 82:2
65:10 119:21	114:17 123:1	82:23 83:2	B	102:11 104:2	82:20 84:5,8
agreed 112:2	128:19	83:15,16	B 3:14	105:10	84:11,19,22
agreement 135:12	area 15:24 122:6,20	94:1,18 95:2	back 18:11,17 20:22	111:16 116:2	85:3 89:8
ahead 13:1 14:11	123:2	95:12,18,19	20:24 26:22	120:13,16,20	90:2,2 94:4
42:20 58:13	areas 117:7	95:20 111:20	28:1 29:2	believes 121:19	94:12,13
62:2 100:12	arm 50:3 53:18,20	112:19	45:3,10,14	belly 130:9,17	95:11 98:3,8
ahold 57:5	53:22 54:10	113:20	45:23 46:5	66:23,24 67:2	102:1 107:17
air 128:10	54:11,13	125:12	46:11 59:22	67:4,6,12	110:19
al 1:9 132:9	57:1 58:11	asking 5:7,17 6:1	60:12 66:8	bent 78:17,19	114:10 122:1
133:14 135:6	58:18 68:3	14:2 16:23	68:23 67:1,3	best 4:20 5:16,21	125:11,22
alarm 116:6,20,22,23	arms 53:16,17 54:18	17:2 18:19	67:12,24	51:10 114:6	126:10,21
alarming 117:2	54:21,22	21:11,16	71:24 77:13	122:12	128:1,4,5
allowed 72:4,7	55:5 57:3	25:23 28:3	78:15,21	beats 17:13	130:9,17
altercation 88:4,10	59:4,4,5,9	39:24 43:5	79:17 80:6	began 13:13	132:4 133:12
America 40:18,22 129:4	103:23 104:3	51:10 52:3	83:6,12	believe 9:13 19:24	135:6
129:16	104:10	53:4,6 54:7	99:14,14,16	84:11,19,22	Boyle's 54:18,21,22
	arrest 17:20 71:9,10	62:12,24	99:20 107:22	85:3 89:8	55:5 58:11
	71:22,23	63:3 64:2,11	114:4 119:24	90:2,2 94:4	58:18 60:23
	72:4,7,22	68:19,20	123:3,5,6,8	94:12,13	77:22
	74:10 75:8	68:23 70:1	123:12,18	95:11 98:3,8	break 8:1,3,3 8:14
	78:22,24	68:23 81:24	127:13,15,21	102:1 107:17	20:19,20
	79:4,12	68:23 87:1,3	background 7:8	110:19	45:20,21
	121:3 125:11	67:12,24	back-up 72:15,19,20	114:10 122:1	107:19,20
	arrested	78:15,21	130:7,10,13	125:11,22	122:14
		79:17,21 74:8	130:21,22,24	126:10,21	128:1,4,5
		assisting	badge 55:23	128:10,21	130:9,17
				128:1,4,5	132:4 133:12
				130:9,17	135:6
				132:4 133:12	Boyle's 54:18,21,22
				135:6	55:5 58:11
				135:6	58:18 60:23
				135:6	77:22
				135:6	break 8:1,3,3 8:14
				135:6	20:19,20
				135:6	45:20,21
				135:6	107:19,20
				135:6	122:14
				135:6	breath 88:11,15,19,20
				135:6	88:21
				135:6	broad 18:20
				135:6	broke 58:22
				135:6	broken 119:8,15,20
				135:6	brought 76:16
				135:6	bumped 35:6
				135:6	bunch 58:7
				135:6	business 7:18
				135:6	C
				135:6	C 1:6 2:19 132:6
				135:6	133:3 135:7
				135:6	call 27:17 61:12

121:20 130:6 130:10,13,21 130:24 135:19 called 1:11 113:19 130:22 calla 54:24 56:7,14 78:22 79:3,3 79:12,18,20 79:21 called 78:24 capable 51:14 capacity 24:5 103:19 108:19 115:12 119:6 car 20:2,5,7 23:24 29:2 31:22 31:24 32:3 32:12,14,24 33:10,14,18 33:21,22 34:10,14 35:10,14,16 35:18,19 36:22 37:1 37:16,18,22 38:1,12,24 39:17 41:9 41:11 42:16 42:22,23 44:8,11,14 44:17,21,23 44:24 45:5,6 45:8,9,11,12 45:13 46:3,4 46:10,11,12 46:14,14,17 46:18,21,24 47:1,9,10,13 47:15 48:18 48:20 49:2,5 49:9,11,14 49:16,20,22 50:2,3,6,7 50:11,14,17 50:19,23 52:7,11,12 52:14,15,16 52:17,20 53:1,7,8 55:14,18,21 55:24 60:3,4 60:9,12,16 61:6,19 62:22,23 65:8,17,18 65:22,23 66:5,9 78:15 78:17,18,18 78:20 79:13 79:16,23 81:1,1,20 82:3,21,22 82:23 84:12 95:19 114:11 114:15,20 116:7,8,20 120:2,18 123:18 124:20 125:4 125:12,15,16 125:17,22 127:5,5,8,20 128:2,7,12 128:13,15	130:10,12,17 card 91:8 99:20 cards 98:22 99:4,13 care 74:18 cars 39:6,8 114:21 119:11,18 129:11,18 case 26:12 100:5,22 101:22 108:23 109:1 110:10,18,21 111:19 112:11,14,19 113:9,10 118:21 129:17 catch 88:11,15,18,20 88:21 cause 116:20,21 133:10,18 135:11 cc 135:23 certainly 120:24 certify 133:6,15 134:1 134:4,8 chance 26:2 57:4,5 change 63:6 changed 57:2 113:19 changes 135:13 changing 63:7 characteriz... 64:18 125:20 characterizing 67:10 charge 91:3 charged 94:4 charges 118:9,23 Charles 1:4 84:5 125:11 132:4 133:12 check 6:18 38:15 chest 78:19 Chicago 1:7 2:5,12,15 2:21,24 8:9 8:11 9:2,11 9:17 10:10 10:22,24 11:3,3,6,10 11:13,19,23 12:4,5 13:10 13:13,18 14:8,15 15:5 16:5,10,16 16:21 17:1,3 17:6 18:6 21:2,13 22:9 24:5,19,23 25:17 27:15 28:2 55:24	71:4,7,12,17 72:3,8,11,15 72:18,22 73:3,7,19 74:23 80:8,9 80:19 81:6 81:12,20 82:3,7,8 89:6,13,17 90:16 96:13 96:14,17,21 97:4 100:5 104:11,16,21 105:4,16 107:7 108:12 108:20 114:7 114:18,23 115:12,13 117:4,18,20 117:21 118:1 118:4,10,16 118:20 119:1 120:11 121:7 121:13,18,21 126:7 132:7 133:9,13 135:2,6 Chrysler 33:1,2 34:1,4 37:8,11,13 37:15,20 38:6,19 39:1 39:2,4,19,20 39:22,23 40:6,8,22 41:2 42:17 59:22,23 60:3,4,5 65:8 66:6,7 123:6,13 127:2 130:5 Circuit 102:1,18,20,23 103:1 133:11 circumstances 22:17 City 2:24 117:7 Civil 1:12 civilian 21:12 Clarence 1:11 3:3 4:6 6:7 132:11 132:18 133:10,15 135:8 clarify 15:12 clarity 10:15 83:13 clear 5:20 99:9 118:17 client 60:13 62:6,16 66:16 71:9,9 71:21 72:2 87:18,19 130:23 close 99:17 123:10 closed 29:11 129:1 closer 66:8 123:3 codes 17:19 college 7:7,8 57:11	85:17 column 116:14,17,18 119:13,20 columns 120:4 combative 85:22 103:22 106:2 come 35:15,16,18 36:9 83:12 coming 30:9 31:14,19 32:6,8,10 101:20 113:6 command 58:11 commander 18:11 commenced 4:2 commendations 25:22 26:1 comment 113:7 committed 104:20 committing 105:22 complaint 21:18 22:18,22 22:24 23:18 24:15 25:3 26:21 101:21 101:24 102:4 102:7,10,17 102:22,24 103:8,13 104:2 105:5 118:2,5 complaints 21:4,12,15,17 22:7,11,13 23:14 24:9 24:11,21 25:1,8 27:2 108:10,13,18 completed 135:16 completely 67:11 complied 130:23 Computer-Aided 133:22 concerned 58:8 concerning 128:20 concluded 131:6 concura 104:6 conduct 121:18 conjunction 100:22 101:22 connected 77:19 116:22 consistent 13:20 14:5 consisting 132:15 constant 34:7 117:2 constantly 36:3 89:23 116:5 127:18 constitute 121:19	contact 53:10 54:1 70:1,5 91:8 98:22 99:4 99:13,20 130:18 continued 34:1 98:17,19 continuing 22:19 continuous 31:2 32:18 continuously 45:16 control 35:9 36:4 54:23 56:10 58:20 60:7 68:11,20 70:17 71:9 71:21 73:11 120:17 122:16 130:23 conventional 77:13 conventionally 122:19 conversation 76:18 82:7,19 83:10 85:16 90:13 96:1,8 98:10 111:23 112:3,9,13 112:17 113:2 conversations 38:7 81:5,11 82:12,16 85:7 94:11 98:6 convince 77:11 Cook 1:16 102:18,20 102:23 103:1 104:11 133:5 133:11 134:20 cooperated 78:8 cooperating 56:19 80:17 cooperation 55:12 CORPORATION 2:18 correct 10:12 11:12 15:2 20:15 28:10 29:5 33:9 42:14 88:24 92:23 93:2,7,18 97:6 102:18 104:15,17 105:19,23 106:11,13 107:1 112:20 114:12 117:18,22,23 118:2,5,6 119:2,3 121:9 122:2 122:6,7 123:13 124:7 124:8,10,11 124:16,17,21 124:22 125:1 125:5,9 133:23 corrections	135:13 correctly 103:24 Cottage 117:10 counsel 2:18 78:23 99:5 104:4,7 108:21 134:2 134:8 count 73:1,3 74:20 counting 74:21 County 1:16 102:18,21 102:23 103:1 104:12 133:3 133:5,5,12 134:20 course 17:12 18:10 23:22 81:8 121:23 126:14,15 court 1:1 5:12 6:14 100:19,21,23 100:24 101:7 102:1,18,20 102:23 103:1 105:9 106:10 110:4,5,8,12 110:17 111:7 111:7,10,12 112:7,15,15 112:15,16,19 132:1 133:11 135:1,7,22 courthouse 112:11 Courts 1:13 CPD 81:1,4 82:5 crashed 129:19 creating 53:10 crime 121:19 criminal 110:18 111:18 crossed 123:23 cuff 77:11,11,13,17 77:24,24 cuffs 75:1,21 77:14 77:16,18,19 77:20,21,23 78:2,3,6,11 82:20 90:5 122:19 Culbertson 2:9 135:5 curb 34:8,8,14,16 34:17,19 35:5,7,11,15 36:1,22 37:1 37:8,12,20 60:5 66:8 90:1 116:9 120:10 123:13 127:20 129:19,21 current 8:7
--	---	---	--	---	--

Currently 8:8 course 70:15,23,24 custody 93:16	135:16 deposition 1:11 3:16 4:1 4:9,16 6:13 29:21 102:14 106:7 113:18 131:5 132:13 132:15 134:2 134:5,6 135:10 depositions 1:14 113:12 describe 30:22 32:23 34:14 63:9 67:13 126:21 described 61:1 63:4 64:8 67:14 119:21 121:23 detaim 121:8,20 detained 121:15 determining 17:23 19:2 determine 125:3 determined 127:22 differ 19:8 difference 34:15 88:2 different 17:19 100:1 differently 86:23,24 direct 108:2 directed 59:3 direction 30:8 31:13,18 32:7,10 39:7 52:23 directly 39:4 46:10 68:11 disappear 128:2 disappeared 47:21 83:5 disciplined 21:1,3 dispatch 61:17 displayed 130:20 distress 128:8 distribution 135:18 District 1:1,2,13 79:24 84:13,16,18 85:6,9 87:4 88:23 89:2 94:9,12,21 96:3 97:10 97:11 117:9 117:14,17,22 132:1,2	106:21 108:15 documents 6:12 108:14 doing 5:11 49:4,9 56:22 58:17 95:6 Donuts 20:14,17 28:7 28:9,12,16 28:18,20,22 29:1,4,7 31:6 33:12 33:15 door 29:11 30:3 42:2,6,9 44:19 45:4 60:8,9 65:17 65:18,22,23 123:1 124:6 124:16 doors 29:3,6,10 48:4 48:5 doorway 122:6 drifted 34:7,13 drifting 35:3 drinking 95:20 drive 20:11 34:5 37:7 38:18 38:22,22 120:3 126:24 driver 35:8 36:4 42:2 43:2,13,17 44:2,6,24 45:3 116:10 116:12 120:16 124:6 124:15 130:5 130:15 driving 12:18 20:5,6,9 20:16 37:10 38:5 39:17 39:21 40:2 drove 20:6 37:16,18 37:19 80:19 112:7 114:22 129:22 drunk 83:1 duly 6:8 132:11 133:16 Dunkin 20:13,17 28:7 28:9,12,16 28:18,20,21 29:1,4,7 31:5 33:11 33:15 duties 19:3 103:20	33:7 34:8 37:18 39:8 127:24 eastbound 33:3 34:1 38:5 38:18 39:11 39:15,21 40:16 41:5 EASTERN 1:3 132:3 ED 2:2 educational 7:6 effect 38:16 95:21 either 23:12 50:1 87:6 92:12 99:6 112:15 115:12 124:23 elementary 57:23 else's 78:18 emergency 87:16 employed 10:17,18 employment 8:8 enclosed 135:10,11 ended 9:14 59:23 endured 85:18 engage 116:15 engaged 103:20 engine 119:13 entail 118:18 entails 118:19 errata 135:11,14,14 135:17 especially 129:11 essentially 15:9 estimate 8:23 at 1:9 132:9 133:14 135:6 evasive 51:6 evening 128:17 events 126:16 Everybody 75:13 85:21 exact 22:16 68:19,20 101:2 127:4 exactly 41:14 51:6,15 54:4,15 70:14 89:21 111:2 113:3 114:13,15 120:9 126:17 exam 28:5 examination	1:12 3:2 6:10 114:1 115:5 130:2 examined 6:8 example 25:2 excessive 22:8,12 23:15 24:9,15 25:3 25:10 26:7 26:12,20 exchange 50:18 52:21 excluding 105:17 109:1 excuse 32:2 45:18 111:20 execution 103:20 exhibit 3:16 91:16 92:21 99:3,7 99:7,10 102:12,14 106:5,7,19 108:3 exit 39:22 40:1,6,8 40:10,10,11 41:12,18 42:2,5,13 43:3 44:12 44:16 46:22 46:22 exited 40:14,15 41:5 42:10 43:14 44:20,20 61:17 exiting 29:1 experience 36:13 86:20 90:12 115:21 116:1,4 117:19 118:19 119:5 119:6,18 120:11,14 126:6 127:16 128:14 explain 24:24 explained 17:4,8 expressed 85:19,20 86:3 88:5 extending 123:18 extent 17:7 87:10 Extra 13:11	ailing 103:21 106:2 fair 121:1 fall 66:22 67:2,5,7 67:8,10 68:3 76:5 far 29:6 30:3 40:21,24 49:23 58:8 77:2 126:24 127:24 fear 86:6,8 February 117:12 feel 6:2 59:4 feet 38:21,23 41:1 41:3 70:5 127:5 fell 60:12 64:17 65:13 66:21 67:4 68:7,21 69:2,6 122:1 122:8 fellow 16:19 felony 118:14,18,23 felt 56:1 female 47:1,2,4 50:5 fifth 43:20,21 fight 70:22 80:15 fighting 55:3 68:6 figure 8:15 file 91:10 filled 21:4,12 22:7 22:11,22,24 23:14,18 24:11,16,22 25:3,9 27:3 102:1 103:1 108:11,13,18 fill 91:5,13 93:19 93:22 96:17 96:20 97:1 101:21,23 118:1,5 filled 91:12 92:1,3,5 93:20 94:23 96:13 97:3,7 98:21 99:24 filling 89:15,18 finally 112:18 113:1 find 47:3 83:14 firely 79:17 80:6 first 6:8 9:13 12:2 13:12 14:14 14:24 15:21 19:22 27:9 27:10 30:10								
D 3:1 dad 119:9 dangerous 70:19,20 date 6:18 8:18 9:9 22:16 73:17 92:7,10,17 97:5 100:16 101:2 110:1 110:4 113:20 113:22 114:4 135:7 dates 11:12 110:6 112:22 day 1:18 9:13 11:9 14:10,24 15:8,16,17 15:21 18:10 18:16 19:17 20:7 27:9,10 73:6 81:7 85:23 86:14 86:17 106:12 112:7,8 120:1,15 128:17 132:13,21 133:7 134:14 days 27:13,13 Dear 135:9 December 101:3 110:14 110:16 111:12,15,20 decides 118:9 decision 118:22 Defendant 2:14,23 Defendants 1:10 132:10 133:14 definitely 4:14 47:14 59:10 degree 7:14 deliberate 53:5 Department 11:4,7,10,13 11:20,23 13:10 16:5 16:10,22 17:3,6 18:6 21:2,13 22:9 24:23 25:17 27:15 28:2 73:19 89:6 89:14,18 90:16 107:7 114:7 135:22 deponent 131:8 132:12 135:8,10,13	D 3:1 dad 119:9 dangerous 70:19,20 date 6:18 8:18 9:9 22:16 73:17 92:7,10,17 97:5 100:16 101:2 110:1 110:4 113:20 113:22 114:4 135:7 dates 11:12 110:6 112:22 day 1:18 9:13 11:9 14:10,24 15:8,16,17 15:21 18:10 18:16 19:17 20:7 27:9,10 73:6 81:7 85:23 86:14 86:17 106:12 112:7,8 120:1,15 128:17 132:13,21 133:7 134:14 days 27:13,13 Dear 135:9 December 101:3 110:14 110:16 111:12,15,20 decides 118:9 decision 118:22 Defendant 2:14,23 Defendants 1:10 132:10 133:14 definitely 4:14 47:14 59:10 degree 7:14 deliberate 53:5 Department 11:4,7,10,13 11:20,23 13:10 16:5 16:10,22 17:3,6 18:6 21:2,13 22:9 24:23 25:17 27:15 28:2 73:19 89:6 89:14,18 90:16 107:7 114:7 135:22 deponent 131:8 132:12 135:8,10,13	D 3:1 dad 119:9 dangerous 70:19,20 date 6:18 8:18 9:9 22:16 73:17 92:7,10,17 97:5 100:16 101:2 110:1 110:4 113:20 113:22 114:4 135:7 dates 11:12 110:6 112:22 day 1:18 9:13 11:9 14:10,24 15:8,16,17 15:21 18:10 18:16 19:17 20:7 27:9,10 73:6 81:7 85:23 86:14 86:17 106:12 112:7,8 120:1,15 128:17 132:13,21 133:7 134:14 days 27:13,13 Dear 135:9 December 101:3 110:14 110:16 111:12,15,20 decides 118:9 decision 118:22 Defendant 2:14,23 Defendants 1:10 132:10 133:14 definitely 4:14 47:14 59:10 degree 7:14 deliberate 53:5 Department 11:4,7,10,13 11:20,23 13:10 16:5 16:10,22 17:3,6 18:6 21:2,13 22:9 24:23 25:17 27:15 28:2 73:19 89:6 89:14,18 90:16 107:7 114:7 135:22 deponent 131:8 132:12 135:8,10,13	D 3:1 dad 119:9 dangerous 70:19,20 date 6:18 8:18 9:9 22:16 73:17 92:7,10,17 97:5 100:16 101:2 110:1 110:4 113:20 113:22 114:4 135:7 dates 11:12 110:6 112:22 day 1:18 9:13 11:9 14:10,24 15:8,16,17 15:21 18:10 18:16 19:17 20:7 27:9,10 73:6 81:7 85:23 86:14 86:17 106:12 112:7,8 120:1,15 128:17 132:13,21 133:7 134:14 days 27:13,13 Dear 135:9 December 101:3 110:14 110:16 111:12,15,20 decides 118:9 decision 118:22 Defendant 2:14,23 Defendants 1:10 132:10 133:14 definitely 4:14 47:14 59:10 degree 7:14 deliberate 53:5 Department 11:4,7,10,13 11:20,23 13:10 16:5 16:10,22 17:3,6 18:6 21:2,13 22:9 24:23 25:17 27:15 28:2 73:19 89:6 89:14,18 90:16 107:7 114:7 135:22 deponent 131:8 132:12 135:8,10,13	D 3:1 dad 119:9 dangerous 70:19,20 date 6:18 8:18 9:9 22:16 73:17 92:7,10,17 97:5 100:16 101:2 110:1 110:4 113:20 113:22 114:4 135:7 dates 11:12 110:6 112:22 day 1:18 9:13 11:9 14:10,24 15:8,16,17 15:21 18:10 18:16 19:17 20:7 27:9,10 73:6 81:7 85:23 86:14 86:17 106:12 112:7,8 120:1,15 128:17 132:13,21 133:7 134:14 days 27:13,13 Dear 135:9 December 101:3 110:14 110:16 111:12,15,20 decides 118:9 decision 118:22 Defendant 2:14,23 Defendants 1:10 132:10 133:14 definitely 4:14 47:14 59:10 degree 7:14 deliberate 53:5 Department 11:4,7,10,13 11:20,23 13:10 16:5 16:10,22 17:3,6 18:6 21:2,13 22:9 24:23 25:17 27:15 28:2 73:19 89:6 89:14,18 90:16 107:7 114:7 135:22 deponent 131:8 132:12 135:8,10,13	D 3:1 dad 119:9 dangerous 70:19,20 date 6:18 8:18 9:9 22:16 73:17 92:7,10,17 97:5 100:16 101:2 110:1 110:4 113:20 113:22 114:4 135:7 dates 11:12 110:6 112:22 day 1:18 9:13 11:9 14:10,24 15:8,16,17 15:21 18:10 18:16 19:17 20:7 27:9,10 73:6 81:7 85:23 86:14 86:17 106:12 112:7,8 120:1,15 128:17 132:13,21 133:7 134:14 days 27:13,13 Dear 135:9 December 101:3 110:14 110:16 111:12,15,20 decides 118:9 decision 118:22 Defendant 2:14,23 Defendants 1:10 132:10 133:14 definitely 4:14 47:14 59:10 degree 7:14 deliberate 53:5 Department 11:4,7,10,13 11:20,23 13:10 16:5 16:10,22 17:3,6 18:6 21:2,13 22:9 24:23 25:17 27:15 28:2 73:19 89:6 89:14,18 90:16 107:7 114:7 135:22 deponent 131:8 132:12 135:8,10,13	D 3:1 dad 119:9 dangerous 70:19,20 date 6:18 8:18 9:9 22:16 73:17 92:7,10,17 97:5 100:16 101:2 110:1 110:4 113:20 113:22 114:4 135:7 dates 11:12 110:6 112:22 day 1:18 9:13 11:9 14:10,24 15:8,16,17 15:21 18:10 18:16 19:17 20:7 27:9,10 73:6 81:7 85:23 86:14 86:17 106:12 112:7,8 120:1,15 128:17 132:13,21 133:7 134:14 days 27:13,13 Dear 135:9 December 101:3 110:14 110:16 111:12,15,20 decides 118:9 decision 118:22 Defendant 2:14,23 Defendants 1:10 132:10 133:14 definitely 4:14 47:14 59:10 degree 7:14 deliberate 53:5 Department 11:4,7,10,13 11:20,23 13:10 16:5 16:10,22 17:3,6 18:6 21:2,13 22:9 24:23 25:17 27:15 28:2 73:19 89:6 89:14,18 90:16 107:7 114:7 135:22 deponent 131:8 132:12 135:8,10,13	D 3:1 dad 119:9 dangerous 70:19,20 date 6:18 8:18 9:9 22:16 73:17 92:7,10,17 97:5 100:16 101:2 110:1 110:4 113:20 113:22 114:4 135:7 dates 11:12 110:6 112:22 day 1:18 9:13 11:9 14:10,24 15:8,16,17 15:21 18:10 18:16 19:17 20:7 27:9,10 73:6 81:7 85:23 86:14 86:17 106:12 112:7,8 120:1,15 128:17 132:13,21 133:7 134:14 days 27:13,13 Dear 135:9 December 101:3 110:14 110:16 111:12,15,20 decides 118:9 decision 118:22 Defendant 2:14,23 Defendants 1:10 132:10 133:14 definitely 4:14 47:14 59:10 degree 7:14 deliberate 53:5 Department 11:4,7,10,13 11:20,23 13:10 16:5 16:10,22 17:3,6 18:6 21:2,13 22:9 24:23 25:17 27:15 28:2 73:19 89:6 89:14,18 90:16 107:7 114:7 135:22 deponent 131:8 132:12 135:8,10,13	D 3:1 dad 119:9 dangerous 70:19,20 date 6:18 8:18 9:9 22:16 73:17 92:7,10,17 97:5 100:16 101:2 110:1 110:4 113:20 113:22 114:4 135:7 dates 11:12 110:6 112:22 day 1:18 9:13 11:9 14:10,24 15:8,16,17 15:21 18:10 18:16 19:17 20:7 27:9,10 73:6 81:7 85:23 86:14 86:17 106:12 112:7,8 120:1,15 128:17 132:13,21 133:7 134:14 days 27:13,13 Dear 135:9 December 101:3 110:14 110:16 111:12,15,20 decides 118:9 decision 118:22 Defendant 2:14,23 Defendants 1:10 132:10 133:14 definitely 4:14 47:14 59:10 degree 7:14 deliberate 53:5 Department 11:4,7,10,13 11:20,23 13:10 16:5 16:10,22 17:3,6 18:6 21:2,13 22:9 24:23 25:17 27:15 28:2 73:19 89:6 89:14,18 90:16 107:7 114:7 135:22 deponent 131:8 132:12 135:8,10,13	D 3:1 dad 119:9 dangerous 70:19,20 date 6:18 8:18 9:9 22:16 73:17 92:7,10,17 97:5 100:16 101:2 110:1 110:4 113:20 113:22 114:4 135:7 dates 11:12 110:6 112:22 day 1:18 9:13 11:9 14:10,24 15:8,16,17 15:21 18:10 18:16 19:17 20:7 27:9,10 73:6 81:7 85:23 86:14 86:17 106:12 112:7,8 120:1,15 128:17 132:13,21 133:7 134:14 days 27:13,13 Dear 135:9 December 101:3 110:14 110:16 111:12,15,20 decides 118:9 decision 118:22 Defendant 2:14,23 Defendants 1:10 132:10 133:14 definitely 4:14 47:14 59:10 degree 7:14 deliberate 53:5 Department 11:4,7,10,13 11:20,23 13:10 16:5 16:10,22 17:3,6 18:6 21:2,13 22:9 24:23 25:17 27:15 28:2 73:19 89:6 89:14,18 90:16 107:7 114:7 135:22 deponent 131:8 132:12 135:8,10,13	D 3:1 dad 119:9 dangerous 70:19,20 date 6:18 8:18 9:9 22:16 73:17 92:7,10,17 97:5 100:16 101:2 110:1 110:4 113:20 113:22 114:4 135:7 dates 11:12 110:6 112:22 day 1:18 9:13 11:9 14:10,24 15:8,16,17 15:21 18:10 18:16 19:17 20:7 27:9,10 73:6 81:7 85:23 86:14 86:17 106:12 112:7,8 120:1,15 128:17 132:13,21 133:7 134:14 days 27:13,13 Dear 135:9 December 101:3 110:14 110:16 111:12,15,20 decides 118:9 decision 118:22 Defendant 2:14,23 Defendants 1:10 132:10 133:14 definitely 4:14 47:14 59:10 degree 7:14 deliberate 53:5 Department 11:4,7,10,13 11:20,23 13:10 16:5 16:10,22 17:3,6 18:6 21:2,13 22:9 24:23 25:17 27:15 28:2 73:19 89:6 89:14,18 90:16 107:7 114:7 135:22 deponent 131:8 132:12 135:8,10,13	D 3:1 dad 119:9 dangerous 70:19,20 date 6:18 8:18 9:9 22:16 73:17 92:7,10,17 97:5 100:16 101:2 110:1 110:4 113:20 113:22 114:4 135:7 dates 11:12 110:6 112:22 day 1:18 9:13 11:9 14:10,24 15:8,16,17 15:21 18:10 18:16 19:17 20:7 27:9,10 73:6 81:7 85:23 86:14 86:17 106:12 112:7,8 120:1,15 128:17 132:13,21 133:7 134:14 days 27:13,13 Dear 135:9 December 101:3 110:14 110:16 111:12,15,20 decides 118:9 decision 118:22 Defendant 2:14,23 Defendants 1:10 132:10 133:14 definitely 4:14 47:14 59:10 degree 7:14 deliberate 53:5 Department 11:4,7,10,13 11:20,23 13:10 16:5 16:10,22 17:3,6 18:6 21:2,13 22:9 24:23 25:17 27:15 28:2 73:19 89:6 89:14,18 90:16 107:7 114:7 135:22 deponent 131:8 132:12 135:8,10,13	D 3:1 dad 119:9 dangerous 70:19,20 date 6:18 8:18 9:9 22:16 73:17 92:7,10,17 97:5 100:16 101:2 110:1 110:4 113:20 113:22 114:4 135:7 dates 11:12 110:6 112:22 day 1:18 9:13 11:9 14:10,24 15:8,16,17 15:21 18:10 18:16 19:17 20:7 27:9,10 73:6 81:7 85:23 86:14 86:17 106:12 112:7,8 120:1,15 128:17 132:13,21 133:7 134:14 days 27:13,13 Dear 135:9 December 101:3 110:14 110:16 111:12,15,20 decides 118:9 decision 118:22 Defendant 2:14,23 Defendants 1:10 132:10 133:14 definitely 4:14 47:14 59:10 degree 7:14 deliberate 53:5 Department 11:4,7,10,13 11:20,23 13:10 16:5 16:10,22 17:3,6 18:6 21:2,13 22:9 24:23 25:17 27:15 28:2 73:19 89:6 89:14,18 90:16 107:7 114:7 135:22 deponent 131:8 132:12 135:8,10,13	D 3:1 dad 119:9 dangerous 70:19,20 date 6:18 8:18 9:9 22:16 73:17 92:7,10,17 97:5 100:16 101:2 110:1 110:4 113:20 113:22 114:4 135:7 dates 11:12 110:6 112:22 day 1:18 9:13 11:9 14:10,24 15:8,16,17 15:21 18:10 18:16 19:17 20:7 27:9,10 73:6 81:7 85:23 86:14 86:17 106:12 112:7,8 120

30:20 32:11	64:8	14:11 16:20	78:14 87:20	105:23	hood
32:16 48:23	FOX	18:23 19:10	87:21 122:2	109:10,24	45:14,15 46:5
55:13,14	2:2	20:24 26:2	122:9 123:1	110:10	46:11,11,14
66:21 68:7	framing	29:4 36:16	126:11,19	113:13,15	47:16 49:11
71:6 72:10	71:20	41:19 42:19	group	122:11	49:16
72:17,18	free	43:4 47:23	89:10	happening	horn
73:6 80:11	8:2 77:20,21	48:1,3 58:13	Grove	43:6 124:19	28:21 29:4,7
80:18 85:23	78:1	58:22 62:2	117:10	125:4	30:6,11,14
86:17,17	front	67:14 87:15	guess	happens	30:17,20,23
100:24	33:11 39:2	100:12 111:4	48:7	5:22	31:2,4,8,10
110:17 114:7	42:9 45:11	113:22	guessing	head	31:19 32:5,8
132:11	45:13 46:4,9	115:10	9:15	5:10 23:2	32:10,17,19
133:16	49:11 51:5	116:20,21	guide	headed	33:15,19
firsthand	59:22 60:2	117:1 129:14	52:16	33:3 129:18	34:6,7,9
119:17	66:7 125:17	129:23	guilty	hear	36:3,16,17
fist	125:21 129:4	goes	24:1	28:15,21,24	38:19,23
69:10,13	129:15,22	72:1 128:23	gun	31:8 50:5,6	37:5,12 38:2
five	130:17	going	86:10,11	50:10	45:15 49:11
4:12	full	4:17,19 15:4	guy	heard	50:19 51:4
flailing	55:22	15:23 16:11	23:18 49:13	28:19 29:4,7	51:19,22
103:22 104:3,9	full-time	19:17,18	56:9,10 57:6	29:18 30:6	89:23 116:4
flexed	8:8,12 9:1	22:1 29:20	66:18 74:24	30:11,14,17	116:5,21,23
56:21	28:1	32:19 33:15	85:20 88:21	30:20 32:17	116:24 117:1
fling	further	33:19 34:9	111:17	87:13	117:2,2
59:5	3:7 77:4	36:3,23 37:5	129:17	hearing	127:18,19
flinging	113:23 115:4	37:12 38:2	guys	6:20 31:4,10	128:6,9
59:4	127:24 130:2	43:8 45:15	47:18 48:16	58:8 101:17	horns
flip	131:2,8	49:12,12	83:5,5,11	118:21	28:24
61:8,23 62:5	133:15 134:1	51:4 63:8	90:1 112:24	HELEN	hospital
62:20	134:4,8	67:9,9 70:1	125:18	2:19	87:9,12
flipped		72:24 79:18	130:19	help	hot
62:13,20 63:16	G	80:13 82:24		28:14 61:12	116:7,19,19
64:5,12	Galarza	86:12,15	H	71:8 74:19	119:7,14
flipping	73:22 74:7,13	87:9,12	H	74:19 75:21	hour
64:14,18	75:7,11,15	109:19 111:7	3:14	79:2 84:21	1:19 29:21
fly	75:19 76:1	111:16 114:5	half	122:15	hours
77:2	87:8,11	118:22	127:6	helped	13:16,21 29:22
focus	garage	127:19 128:6	hall	75:8	hunched
128:5	120:12	128:24	111:4	helping	88:9,12,13,14
follow	gas	129:21	hand	72:22	88:17
16:15	119:9,10	130:14	61:11 78:1	hereinbefore	hurt
follows	gasping	good	79:17 80:5	134:7	85:22
6:9	88:8	65:3 85:19,21	134:13	heretofore	hurting
footage	general	86:20	handcuff	133:7	87:7
127:4	19:7,11 85:15	gotten	87:19 122:16	hereunto	
football	110:24	25:22	handcuffed	134:12	I
95:14 115:11	generally	grab	114:11 122:18	hey	ice
force	22:5 98:7	53:5 54:11,18	handcuffing	111:7	23:21
22:8,12 23:15	Gerald	grabbed	93:15	highest	ID
24:9,15,19	107:8	54:10,13,17,20	handcuffs	11:22	3:15 50:21,22
25:3,10 26:7	getting	54:21 55:5	66:13,15,17	Hill	51:17 52:2,3
26:12,21	76:5	86:11	71:13,16	92:4,5,9 93:9	52:5 103:22
59:1,2	Gibbons	grabbing	72:1 75:22	93:13,20	106:2
forced	2:19 3:5 19:14	59:8	77:7,8,9	Hinsaw	idea
60:8	21:7,20 99:9	gray	107:17	2:9 135:5	13:19 32:18
forcing	104:23 105:7	32:24 33:24	121:14	hired	41:3 78:4
128:15	105:13 114:2	34:4 38:6,19	handed	28:1,6	80:12,17
foregoing	115:4 131:2	39:22,23	106:17	hit	identification
132:14 133:22	135:23	40:8,8 42:17	handful	34:8,16 35:15	83:19,22 84:7
134:2	Gillespie	greatest	66:16	38:22 37:1	84:10 102:15
forget	74:7,13 75:7	125:15	handle	62:8,11	106:8,18
120:9	76:3 87:9	grew	126:1 135:18	63:18 65:11	identify
former	Gillespie's	119:11	hands	65:12 66:4	55:17
115:11	75:12 76:10	ground	52:22 53:2,15	67:11 69:10	identifying
forms	give	4:16 60:24	71:24 77:12	69:13 116:8	56:1
118:2,5	14:3 17:16	61:3,8,24	77:22	124:14	IED
forth	51:8 52:4	62:5,6,8,11	handwrite	127:19	26:5,15
68:1	95:22 98:24	62:14,16,18	94:1	hitting	ignition
forward	given	62:21 63:1	handwriting	86:19	119:8,15,19
45:10 46:3	57:5 133:18,24	63:17,18,23	98:24 99:6,8	hold	Illinois
78:15	giving	64:4,6,12,14	99:18 100:1	56:23 57:1	1:2,17,18 2:5
found	5:19	64:17,18,21	happen	58:3,10	2:12,21
24:1 47:2	glasses	64:23,24	5:19 34:11	92:16 122:12	102:18
foundation	75:12 76:5,6,7	65:2,11,12	67:12 118:19	holding	104:12 132:2
104:23 124:12	76:10,14	65:14 66:4,5	happened	58:18,19 59:13	133:1,6,10
four	77:2	66:5,14,22	4:19 28:11	60:11 69:24	133:12
74:21 125:14	Glover	66:23,24	41:8 42:15	89:5	134:20 135:2
foura	82:17 83:11	67:9,11,17	51:11,15,18	home	immaterial
126:11	99:18	68:7,21,22	54:6 63:5	76:15	113:15
fourth	go	69:2,6 75:17	72:2 89:20	honest	immediately
29:20 42:19	12:22 13:1	78:7,10,12	90:7 98:7,15	101:14	47:9 50:22

52:19 97:14 97:16 127:9 inadvertently 62:6 incident 4:18 8:18 9:13 23:5 72:16 109:3 114:5 117:5 127:3 include 117:16 included 104:3 inclusive 132:16 income 13:11 indicate 120:20 indicating 52:23 information 17:13,15,16 83:17 90:3 99:19 109:2 initial 4:7 injured 91:22 93:15 injuries 75:14 87:5 92:23 injury 75:11 87:10 91:13 93:20 inside 28:16,17,18,19 28:21 32:3 33:22 37:2,4 38:4 41:9 49:15 62:22 81:19 82:2 83:6 112:10 124:24,24 instructor 12:19 intent 125:10,13 intentionally 62:4 interested 70:17 134:10 interfered 116:24 interfering 129:20 intermittent 117:3 Internal 26:9,15,16,18 interpreted 60:22 interrogato... 6:15,22 106:20 interviewed 26:5 investigated 26:5,8,20 investigating 61:18 investigation 23:8,11,23 24:1 26:11 26:18 27:6 106:3 investigatory 103:21 involved 118:15 119:2 120:1 irrelevant	14:11 21:6,19 22:20 57:17 100:11 113:15 J January 6:17 100:19 101:10,18 106:11 112:13,19 113:9 134:14 135:4 job 10:4 14:24 85:19,23 95:18 117:10 Johnson 107:6,10 join 21:7,20 105:13 JONATHAN 2:3 July 108:15 jurisdiction 117:16 K K 133:3 Kalasazoo 7:9 keep 33:24 60:1 66:18 79:1 79:11 Kenwood 95:14 kept 34:5 kick 68:15 69:3 75:19 78:2 kicked 68:17 69:19 70:2 75:12 75:16,24 76:1,5 kicking 68:2,14 69:16 69:22,24 70:6 kind 21:14 34:7 51:8 79:18 110:4 111:23 113:1,7 123:20,22 knew 76:17 83:8 87:8 96:17 knocked 75:13 88:5 know 5:4 6:18 12:6 14:9 18:14 18:23 22:24 23:7,10 26:10,17 27:24 38:21 40:9,21 44:19 49:13 50:19 51:7,9 54:2,13 61:16,20 62:8 64:1 65:9 67:5 68:17 89:18 69:21 72:10	72:14,20,21 73:5,10,12 73:16,17 74:12 76:19 80:3,14,22 80:22 81:22 82:9 83:8,14 84:3,10 85:4 85:18,18 86:2,11 87:10,11 89:4 90:23 92:5,8,13,15 94:4,8 96:12 96:20,24 98:16 99:12 99:23 100:2 101:10 102:19 104:4 107:16,18 110:6 111:2 111:7 112:6 113:3,5 114:5,19 120:5,23 125:24 127:17 128:9 128:16 129:4 130:20 knowingly 103:15 knowledge 4:21 86:19 Kasazek 2:3 3:4,7 4:4 4:8,12,15,24 5:7,15,24 6:11 10:20 10:23 12:8 13:4 14:13 18:9,15 20:22,23 21:10,23 22:21 24:3 26:2,4 29:14 30:2 31:17 35:1 36:15 43:1,23 45:23 46:1 47:7 48:10 51:1,2 57:19 58:9,16 62:9 63:3,12,15 64:10,19 65:1,12 66:12 69:1 77:1 99:11 99:15 100:14 102:12,16,22 103:4 104:8 104:13 105:1 105:14 106:4 106:9 107:22 108:1 109:8 109:22 110:22 111:9 113:16,23 115:16 118:7 119:22 121:11 123:21 124:12 125:6 125:19 130:3 131:1 135:23 Kwiatkowski 73:22 74:7,13 75:6 L laid 8:19 13:15	landed 62:17 76:10 lane 39:11,15 123:4 123:19,24 124:5 language 79:19 105:8 large 80:1,3,4 LARRY 1:8 132:8 LaSalle 1:17 2:11,20 133:9 135:1 135:5 late 22:16 24:16 lawful 121:3 leading 115:16 118:7 119:22 121:11 123:21 125:6 leaned 49:15 78:15 leaning 128:12 learn 15:24 74:1,6,8 74:11,18 learned 74:24 75:10 84:4 leave 13:14 39:22 97:23 leaving 29:1 Ted 59:21,21 116:1 119:6 120:19 left 12:9,17,18 28:3 39:5,9 40:11 44:21 45:1,5 46:21 54:2 60:3 93:14 97:13 97:14,18 98:7,11 legs 75:24 77:14 length 127:6 lengths 127:5 let's 19:10 20:24 38:15 45:20 52:7 123:12 level 118:16 levels 126:4 leverage 61:8,22 62:15 62:20 64:16 64:20 66:3 LIC 134:21 License 1:23 Lieutenant 107:8,11 lift 60:23 61:2 65:20 lifted 60:11,13,15,20	61:7 64:15 65:16,23 66:1,2 lifting 64:15 light 19:7 lighted 48:11,12 lighting 48:14 line 79:21 93:14 liquor 129:1 literally 55:3 59:5 little 4:17 16:18 20:24 21:8 35:8 40:19 57:21 88:1 119:21 located 63:17 64:22 67:18,18 68:10 99:19 location 122:22,23 lock 119:8,15,19 120:5 locked 116:9 120:18 locking 116:12 long 4:11 8:10 11:2 12:14 38:17 38:20 65:9 85:2,4 94:8 longer 128:3 look 19:10 40:16 45:10 74:16 74:22 77:5 91:19 92:19 127:13,21 looked 30:8 31:13 32:5,7,9 47:4,17 87:15 113:20 looking 31:18 33:24 48:15 49:6 108:4 115:10 127:15 looks 99:12 100:1 loose 58:22 88:3 122:14 lot 70:13,16 83:17 88:13 90:13 114:5 M M 2:10 135:4 machine 128:15 main 123:3 maintain 66:19 majored 7:17 male	40:10,11 42:2 man 54:12 59:21 60:6 69:22 70:5 78:21 85:22 87:24 122:13 123:2 126:22,23 mangled 76:14,24 manner 78:20 man's 87:2 Margaret 135:21 mark 102:12 marked 3:15 91:15 99:3 102:15 106:8,18 match 55:1 56:13,18 matter 7:1 38:23 McCorkle 135:1 mean 10:16 15:12,15 15:18,19 21:3 25:1,18 25:21,23 26:16 40:23 56:15,17 58:6 68:18 74:11 82:6 90:11,12 96:23 97:1 97:16,20 99:24 112:22 113:11 116:6 129:7 mechanic 120:12 mechanism 116:23,24 medication 95:21 men 124:19 mental 83:1 mentioned 115:18 134:7 met 86:17 Michigan 7:9,10,11,15 middle 4:6 107:3 123:10,10,19 midnight 19:23 mind 38:8,10 43:12 127:15 mine 87:7 90:5 minutia 103:3 mischaracter... 63:11 missing 58:5 month 13:24 14:4 months 8:23 Moore 1:11 3:3 4:7,8
--	--	--	---	--	---

6:7 31:24 103:18 114:3 115:7 121:5 132:11,18 133:10,16 135:8 morning 48:13 128:20 128:22,24 motion 6:19 34:14 101:17 Mourgelas 1:15,22 133:4 135:21 move 34:18 52:24 122:22 moving 34:19,21 muscles 88:2 N-O-O-R-E 4:7	notary 1:15 132:24 133:4 134:20 notice 47:12 80:7 134:5 notifications 110:5 notified 27:1 November 1:18 132:14 133:7 135:7 number 3:15 108:4 135:7,19 numbers 91:18 numerous 120:2	98:4 occurred 126:16 127:3 127:10 occurrence 14:10 October 4:19 8:3 9:12 10:10 14:22 15:4,10,15 16:5,10,15 17:6 18:3,4 19:12,21 27:11 28:8 74:14 82:14 91:8 93:10 96:21 103:10 105:24 107:11 109:3 109:10,24 110:10 115:7 offender 93:16 offense 104:20 105:22 Office 26:22 27:1,5 officer 1:8 8:11 9:19 10:22,24 11:3,21,24 12:15,16,21 13:3,6 14:8 16:19 17:10 18:3 19:5,16 20:8 21:2 24:5,15,17 27:18 28:4 30:10,13,16 30:19 31:24 32:2 33:17 36:14 38:7,9 41:13,16 48:16 49:19 50:1,11 52:6 53:21 54:16 54:21,24 55:4,9,20 58:4,6,13 58:17 60:15 60:21 61:10 61:18,21,23 62:19,21 63:20 69:13 69:16 71:23 72:4,8,11,12 73:22 74:13 75:15,19 76:3,9 77:18 79:8 81:20 84:1,7 85:5 85:8 86:2,16 86:17,22 87:3,6,11 88:4 89:11 91:3 92:5,8 93:8,13,20 96:2,5,15 98:1,6 103:14,19 107:5,10 108:20 109:23 110:8 110:9,11,15 110:19 111:11,14 112:10,14 113:8 114:3 115:7,13,14 115:22 118:1 117:4,21	118:20 119:4 119:24 120:1 120:11 121:5 121:18 122:1 122:5 125:16 126:4,7 127:15 130:6 132:8 133:14 officers 2:16 71:4,7,12 71:17,19 72:15,18,22 73:1,2,3,4,7 73:23 74:2,6 74:9,18 80:8 80:9,18,19 81:6,12 89:5 89:14,18 90:4,4,16 92:4 104:18 104:21 105:4 105:10,16 114:18 117:20 118:1 118:4,10 119:1 121:7 121:13 124:9 officer's 77:21 78:3 official 103:19 oh 26:10 47:14 112:24 okay 4:15,22 5:5,6 5:13,22 6:5 6:8 10:13,21 11:2 15:17 17:15 19:10 21:14 22:14 26:20 32:22 36:22 38:4 39:14,24 41:4,22 42:12 43:2,5 43:7 44:6 46:20 49:1 51:12 53:20 55:4 56:12 58:3 61:20 65:3 66:11 66:13,21 67:13 69:5 72:3,21 73:14 75:5 76:2 77:2 80:5,17 82:12 84:11 85:7 88:12 89:13 90:18 91:21 92:18 93:17,18 100:4 108:23 111:23 118:24 119:17 122:8 122:14 123:12 130:9 old 8:5,6 87:24 115:8,11 128:23 Olympics 57:8 once 32:22 40:5,14 41:11 45:7 47:15 67:17 70:11 78:11 79:15 81:13	89:1 97:7 112:10 122:15,24 ones 74:14 on-the-job 126:6 open 60:8,9 65:17 65:18 122:6 opened 46:11 opportunities 88:19 opportunity 75:3 opposed 19:7 opposite 123:23 ordeal 87:23 88:7 107:15 orders 19:7,11 original 103:8 outcome 23:7 134:11 outside 29:3,10 31:5 34:10 46:18 62:23 63:5 63:21 65:22 66:5 82:21 108:22 125:1 owned 119:9 owner 119:10 o'clock 1:19 4:2 131:6	117:15 119:10 124:4 parties 134:3,9 135:18 partner 58:11,12,16,19 130:6 part-time 8:22 9:14,16 10:9 13:9,17 pass 33:2,4,10 passed 32:16 33:14,19 33:21 114:22 127:18 passenger 40:12 42:6,8,9 42:13 44:9 44:22 60:9 65:17 122:21 123:1 130:15 patrol 9:19 11:21,24 12:21,22 13:5 15:4,10 15:24 16:19 17:18 18:16 18:17 19:12 19:17 20:2,5 24:14 28:3 33:22 41:9 41:11 42:16 65:8 81:20 98:19 payment 128:16 peace 103:14,19 peeled 116:14 119:14 119:20 120:4 pending 6:4 113:13 133:10 people 18:12 28:19 113:1 121:8 121:14 124:23 125:14 127:8 performance 103:15,16 period 8:19 80:1 permitted 121:8,14,20 person 40:10 42:2,13 51:5 68:4 70:18 80:16 125:16,17,21 128:8,13 personal 91:22 personally 80:21 89:2 102:2 119:24 133:8 pertaining 1:14 phone 135:19 physical 130:18 physically 53:8 59:16,18 83:22,23 pick 5:12 23:21 59:15,16,19
N 3:1 135:1 name 4:5,5,6,7 22:23 50:24 51:1 81:9 83:16 names 73:10 nature 98:12,14 NAUGHT 131:8 near 30:12 123:1 129:15 need 5:20,24 15:12 21:21 57:12 96:11,11 107:19 111:2 135:15 needed 79:6 Neither 131:3 never 26:17 42:22 49:22,24 52:4 56:16 58:2 72:1 77:10 78:8 82:22,22 93:19 97:3 night 9:12 17:11,12 20:3,14 48:12 51:11 61:14 76:7 91:6,11 105:23 129:10,11 noise 34:7 116:23 normally 115:10 North 1:17 2:11,20 133:9 135:5 NORTHERN 1:2 132:2 notarial 134:13 notarized 135:15	0 133:3,3 oath 106:15 132:12 object 14:9 29:18 63:5,10 64:7 64:13,17 102:19 104:1 105:12 109:6 116:15 objecting 29:20 objection 12:24 19:14 21:6,18 22:20 25:18 29:12 31:12 36:11 42:18 43:19,21 47:6 57:17 62:1 68:23 100:11 104:23 105:7 109:12 115:16 118:7 119:22 121:11 123:21 124:12 125:6 125:19 objections 108:9 observation 46:16 observations 120:15 observed 34:11 43:16 120:8 observes 121:18 observing 43:7 89:24 119:18 124:18 obstruct 122:13 obstructing 103:14 106:1 Obstruction 94:6 obvious 55:23 obviously 28:6 68:11 occasion 119:12 occur	offense 104:20 105:22 Office 26:22 27:1,5 officer 1:8 8:11 9:19 10:22,24 11:3,21,24 12:15,16,21 13:3,6 14:8 16:19 17:10 18:3 19:5,16 20:8 21:2 24:5,15,17 27:18 28:4 30:10,13,16 30:19 31:24 32:2 33:17 36:14 38:7,9 41:13,16 48:16 49:19 50:1,11 52:6 53:21 54:16 54:21,24 55:4,9,20 58:4,6,13 58:17 60:15 60:21 61:10 61:18,21,23 62:19,21 63:20 69:13 69:16 71:23 72:4,8,11,12 73:22 74:13 75:15,19 76:3,9 77:18 79:8 81:20 84:1,7 85:5 85:8 86:2,16 86:17,22 87:3,6,11 88:4 89:11 91:3 92:5,8 93:8,13,20 96:2,5,15 98:1,6 103:14,19 107:5,10 108:20 109:23 110:8 110:9,11,15 110:19 111:11,14 112:10,14 113:8 114:3 115:7,13,14 115:22 118:1 117:4,21	page 92:19,20 106:23,24,24 107:3,4 108:3 pages 132:15 135:11 135:15,17 pair 76:16 122:19 paperwork 89:7,15,19 91:5,8,9 94:22 96:11 97:7,12,15 97:20,21 98:1 paragraph 92:22,24 104:19 105:21 107:4 107:5 paraphrasing 25:12,14 park 129:21 parked 35:6,24 39:14 40:22 41:2 127:1 129:12 129:15,22 130:4 parking 34:15 39:12 129:3,6,8,12 part 56:24 104:18	P page 92:19,20 106:23,24,24 107:3,4 108:3 pages 132:15 135:11 135:15,17 pair 76:16 122:19 paperwork 89:7,15,19 91:5,8,9 94:22 96:11 97:7,12,15 97:20,21 98:1 paragraph 92:22,24 104:19 105:21 107:4 107:5 paraphrasing 25:12,14 park 129:21 parked 35:6,24 39:14 40:22 41:2 127:1 129:12 129:15,22 130:4 parking 34:15 39:12 129:3,6,8,12 part 56:24 104:18	

76:12,13	11:7,10,13	8:22 9:9 15:6	113:10 115:6	69:18,20 70:4	100:17,20,24
piece	11:19,23	16:5 19:17	115:17 118:8	82:9 85:10	101:12 112:6
76:13,20,21	12:4 13:10	68:13 80:9	120:7 121:12	85:17 114:20	112:17,23
pile	14:8 16:5,10	82:21 86:19	124:1,13		114:9,13,15
67:21,22	16:21 17:3,6	97:4 101:19	125:7,23	R	114:17,23
pinned	17:17 18:6	probably	129:24 131:3		115:2,3
61:6	19:5 21:2,13	8:23 41:14	135:4,9	R	recap
place	22:9 24:5,19	68:16 83:15	pull	2:3 92:4	8:24
66:10 79:17	24:23 25:17	83:16 95:12	60:13 124:3	radio	recognize
99:21 121:14	27:15 28:2	95:14 96:9	pulling	55:23 61:11,13	73:5,6,9 81:6
125:10	36:14 54:12	96:10	58:21,22 61:4	radioed	81:9 106:21
129:23	55:20,23	problem	61:6	61:16	recollect
placed	56:1,4 70:21	5:14,23 8:16	punch	raise	74:20
60:16 77:7	70:22 71:18	problems	59:6,8 68:2	46:13 47:16	recollection
78:14 80:5	72:4,6 73:19	119:18	69:5,9,9	50:2 78:21	14:3 49:21
80:24 82:2	74:23 80:8,9	Procedure	punched	79:13,16	record
86:7,9 118:9	80:19 81:6	1:13	58:23 69:7	raised	4:5 20:22
placing	81:12,20	procedures	punching	45:15 46:5	45:23 63:13
93:16	82:3,7,8	16:4,9,14,21	69:8	75:23	99:9 107:22
plaintiff	86:19 89:6	16:24 17:5,9	purpose	ran	118:17
1:5 2:7 122:1	89:14,17	17:21,24	128:23	35:5	recoveries
132:5 133:13	90:16,23	18:5,15,20	purposes	rank	120:2
Plaintiff's	91:1,2,2,4	18:22 19:2,6	106:18	9:17 11:18,22	reduced
3:16 91:16	91:10 94:7	process	pursuant	reach	133:21
99:3,7,7	96:14,15,18	71:22 72:2	1:12 134:5	77:4	reference
102:13 106:4	96:21 97:4	93:15 97:18	push	read	64:13
106:6,18,20	100:5 103:8	97:20,22	52:19 53:12,14	90:24 92:11,12	referencing
108:3	104:3,16,21	118:14	53:18	92:17,23	6:16
played	105:4,10,16	processed	pushed	96:24 100:4	referred
95:13	107:7 108:20	79:24	52:8,8,16,22	100:7,10,13	91:23
players	114:7,18,23	produce	53:1,15,20	100:18	referring
115:11	115:12,13,21	103:22 106:2	53:21,23	103:24 104:4	22:5
pleasant	116:1 117:4	product	54:5,8,12	104:19	refusing
70:15	117:17,21	33:1	55:9 90:3	105:21	90:2
please	118:1,16,20	Professional	122:5	132:14	regard
4:4 5:10 34:23	119:4,24	26:22 27:2,6	pushing	reads	126:8
90:13 108:17	120:1,11	professionally	53:9,10 128:8	103:13	regarding
135:12,17,19	121:21 124:3	119:23	put	71:22	92:23 109:3
plenty	126:1,4,7	properly	66:3,3 71:16	realized	Regardless
129:7,12	127:15,18	98:16	71:24 75:2	75:7	42:12
P0	132:8 133:13	prosecutor	p.m	really	regards
103:18	policies	105:11	1:19 4:2 20:1	12:7 18:20	16:3 110:18
point	16:4,9,14,20	protect	131:7	100:2	relate
6:1 20:13 28:8	16:24 17:4,9	59:10 80:16		rear	25:6
28:13,24	18:5,15,19	124:5	Q	42:6 44:22	related
29:16 32:12	18:22 19:1,6	prove	question	reason	134:9
33:20 34:19	poll-sci	118:23	5:2,3,18 6:2	5:4 7:19 25:11	relates
35:14,23,24	7:17	provided	10:2 13:1	26:6 35:19	116:12
36:16,19	position	99:5 108:20	14:2,12	35:21 36:6	relation
37:22 43:18	8:7 116:5	proximity	16:12,18	reasonably	38:24 67:19
44:7 46:15	124:4	77:23	18:19 22:4	120:13 121:19	relax
47:6,20	positioned	prying	25:5,6,13,14	recall	56:8,11,14
48:12 49:7	123:15 127:2	116:15	25:21 29:23	4:10 17:22	relevant
50:3,3,6	possibly	public	30:1,18	18:1,9 19:19	12:7
54:22 56:2,9	70:1 116:13	1:15 132:24	34:23 36:21	20:12 21:24	remain
56:13 59:12	120:18	133:4 134:20	41:21 43:20	22:2,23	85:2 122:20
60:10,23	pounds	Pulszis	49:22,24	23:16 24:6	remains
63:21,22	8:2	2:10 3:6 10:17	50:14 51:16	24:10,13,22	85:4
66:14 67:20	predicament	10:19 12:6	60:19 63:9	25:8 27:4,5	remember
68:3 70:18	59:14	12:24 14:9	64:1,2 65:3	27:8,22 29:9	22:3,15 56:8
71:3,10,13	predicate	19:4 20:19	65:21 73:13	29:13,15	66:6 70:14
77:6 78:8,9	63:9	21:6,18	74:4 76:23	30:4,21	78:17 81:24
78:24 79:9	preparation	22:19 23:17	79:2 80:4	33:20 41:14	82:1,4 83:21
79:20,22	6:13	23:22 25:18	81:17 83:21	41:17 42:11	85:12,15
80:7,10,24	presence	25:24 29:12	100:12	46:19 48:24	88:6,7,9,14
83:18 84:4,6	133:20	29:16 31:12	105:12,15	49:10,18,24	88:16 95:17
88:7,10,22	present	34:20 36:11	108:4,6,8	51:6,9 53:9	96:7 112:23
93:10 100:8	8:17,20 9:1,7	42:18 43:19	109:7,13,14	53:9,10 54:4	114:14,19,19
100:9 107:8	10:7 134:6	45:20 47:6	109:15	55:11 61:21	114:20,22
110:13,20	presentations	48:7 57:17	113:17	67:20 68:8,9	115:22
121:24 122:4	12:20	58:5,13 82:1	questioned	68:12,12	126:10,15
123:9 124:24	pretty	82:24 63:4	115:19	69:15,16	remind
126:10	112:2 129:8	84:7,13,23	questions	70:4 71:2	4:15
130:13,16,19	preventing	85:11,13	4:18,20,21 5:1	76:17 79:10	repair
130:21	7:3 59:7	88:23 76:22	5:7,11 6:5	81:14,15,17	119:13
points	previously	100:11	39:13 51:7	81:18,19	repairing
5:8	91:15 99:3	102:19,24	74:17 95:23	82:8 83:13	120:12
police	109:11	104:1,11	114:4 135:19	87:6,14 88:3	repeat
1:8 2:15 6:24	printed	105:8 109:6	quiet	90:21,24	30:18 80:14
8:9,11 10:22	113:21	109:12	75:3,5	91:7,9,12	rephrase
10:24 11:3,3	prior	110:21,24	quite	96:6 99:1	5:4

report	25:4 28:13	129:7	75:1 77:8,9,18	32:21 44:8	spoke
73:24 90:23	27:11 28:4,8	scenario	77:23 90:5	50:24 55:22	92:8
91:1,2,3,4	28:9 31:6,8	86:15	seven	57:13 63:23	spoken
91:13,22	32:6 33:2	scene	90:4	65:6 67:20	113:8
93:20,22,23	35:15 36:8	72:11 80:8	seventh	70:10,12	spot
93:24 94:2,2	37:16,17,20	81:7,12	88:24	84:6 87:18	39:12
94:7 96:10	37:23 39:5,8	82:13,17	shake	97:16 107:23	spots
96:14,18,21	41:9,23 42:3	83:12,24	5:10 35:10	108:5 115:8	129:3
96:24 97:4	42:16,17,22	84:19,20,23	share	115:15	sprain
100:5	42:23 43:11	85:2,5 87:13	115:24	sit	87:17
reported	43:14,18	107:8,11,14	sheets	16:13,19 17:10	sprained
1:22 82:17	44:4 45:1,4	114:8,18	135:11,14,14	sitting	87:8
133:19	46:6,15	115:1	135:17	43:6 44:13,17	squad
reporter	48:12 51:22	schedule	shift	86:14	29:2 39:17
5:12 135:22	54:3 58:7	113:21	19:20	situation	55:24 60:4,9
Reporters	58:12 62:10	school	shirt	72:24 82:10	60:12,16
135:1	62:14 64:6	57:23 95:16	114:24	six	62:22,23
Reporting	68:21,22	seal	shirts	27:16 90:4	63:2,2,5
92:4	70:3 72:5,6	134:13	115:3	slapped	65:17,18
reports	74:15 78:7	seat	short	75:12	66:5,9 78:15
6:24 91:10	81:2 84:2	44:23	20:20 45:21	slow	78:18 79:23
Representing	86:16 87:1	second	107:20	59:24	80:24 81:1
2:7,14,23	87:22 88:23	29:19 31:15	shorted	somebody	84:12 114:11
reserved	98:18 97:5	36:12 45:18	116:6	38:12 69:24	114:15 122:6
131:4 134:2	99:2,11,17	50:16 62:3	shortly	78:18 83:20	122:21 123:7
resist	101:4,8	92:16 98:5	122:4	84:3 116:6	123:8,15
59:2 121:3	103:5,11,24	101:7 107:4	shoulder	128:7,15,16	124:3 127:1
resisted	104:14,22	107:4,5	61:12 75:11	129:14	SS
103:15,21	105:6,18	123:12	76:1 87:15	sorry	133:2
resisting	108:15	seconds	show	5:9 9:23 21:16	stab
55:2 56:5,20	108:23,24	46:19 51:8	52:6 98:23,24	32:1 66:24	23:20
68:6 70:21	111:22	52:5	99:2	73:15 80:22	stamp
71:22 78:16	112:19 124:2	secure	showed	84:14 92:20	91:18
94:6 103:13	130:7,11	135:12	113:1	99:11 129:9	stamped
108:1,3	room	see	showing	sort	91:17 92:21
respective	2:20 87:16	29:14 32:5,9	91:18,18	39:12 123:22	stand
134:3 135:18	89:5,12	32:12,14	shut	123:23	79:14,16
respond	rope	34:4,18,20	83:6	sound	Standards
22:5 27:7 49:2	58:7	34:22 35:10	side	29:7 30:7,20	26:22 27:2,6
49:20 50:14	rules	39:22,24	40:11,12 42:8	31:1,2,4,8	standing
50:16,20,21	1:12 4:16	40:6,8,13	42:9,13	31:10 71:19	30:12 31:5
51:18 52:2,4		43:8 44:12	44:21,24	101:4	33:11 34:10
95:2	S	44:18 45:7	45:1,3,5	sounded	49:6 51:5
responded	S	46:20 47:17	53:23,24	30:23	79:9 82:21
113:5	3:14	47:19,23	54:3,3 60:3	sounding	84:23
response	safely	48:1,3,4,5	66:8 67:7,21	30:14,17 36:17	start
38:14 70:11	126:1	48:15 52:1	70:8 122:21	38:20 45:16	11:16 13:9
85:20 86:3	safety	59:15,18	124:6,15	89:23,23	19:23 29:20
90:6 95:9	12:13,14,16,19	65:19 71:6	129:6	127:19	116:15
112:1	12:23 13:2,6	72:18 74:16	sight	sounds	started
rest	86:16,22	75:3,15 76:2	32:15,17,23	117:3	9:12 11:13,19
98:18	87:1,2	76:4,9 92:17	48:6,8,9	south	11:21 12:2,3
restrain	121:15	107:10,14	125:18	117:10 129:6	14:7,15 20:6
57:6 58:20	125:16	124:2,3	sign	spaces	20:9 66:7
69:23 80:16	SAITH	seeing	94:2 102:10	129:13	90:2
restraining	131:8	114:14,23	103:7	speaking	starting
85:19	sat	seeking	signature	6:20 79:5	89:6,7 105:21
restroom	17:3,8 43:16	7:14	104:22 105:6	82:15	state
107:19	89:3,4	seen	105:18	specific	1:16 4:4 108:7
result	saw	57:7,8,10,12	106:24 131:3	16:18 18:21	109:10,13,17
23:4,10	32:11 34:21	57:16,22	132:16 134:1	21:9,14,22	133:1,6
retractable	35:14,15,18	send	135:11,12,13	25:5 90:14	stated
23:3	37:1 40:19	76:15	135:15,17,22	90:19 109:14	122:17
return	41:12 42:1,5	sent	signed	109:15	statement
135:17	42:12 43:2	108:14	99:13,22,23	specifically	93:3 105:20,23
review	44:2 46:13	sentence	102:17,20	18:24 27:22	statements
8:12,24 94:7	47:16 58:6	107:5	103:3,5,8	46:18 49:10	90:19
101:16	85:21 71:11	sentences	104:2,9	51:13 58:1	states
118:14,18	72:20 75:8	108:8	108:15	85:21 81:15	1:1,13 104:20
135:13	76:5,11	sentiments	135:15,15	81:18 82:8	132:1
reviewed	82:23 114:7	86:4	significance	90:8,15	State's
101:19	124:19 130:5	sergeant	116:11 127:14	91:18 100:16	118:20
re-ask	130:9	8:9 9:6 28:1	127:17	109:20	station
5:5 16:11	saying	114:24	silver	specifics	12:4 97:13,19
re-state	60:1 68:21	set	85:8 127:2	98:6	98:7,11
5:21	70:9 111:6,8	75:2 77:14,19	simple	speculate	103:9 104:3
ride-alongs	says	77:20,21	71:23	48:8	119:9,11
27:17,20	55:24 71:23	134:13	Sincerely	spelling	steady
right	92:7,16	Setina	135:21	4:5	34:6
5:12 10:7,11	105:20 107:5	135:21	air	spins	steered
14:3 20:14	scarce	sets	7:22 12:3 32:7	75:22	34:17 35:4

steering 116:9,12,17,18 119:19,20 120:5,17,18 stenographi... 133:19 step 52:7,14,15,16 52:20,24 53:6 stepped 29:10 steps 45:11,13 46:4 46:9 Steve 2:10 135:4 stolen 35:20 36:7 38:12 116:3 116:13 119:7 120:2,12,21 120:23 125:4 128:7,12,14 stop 35:15,16,18 36:17 38:24 39:1 44:6,9 70:10,12 79:6 80:20 103:21 106:3 117:1 stopped 34:8 35:8 36:2 36:20 37:8 37:11,20,22 38:1,19 39:1 39:16,17 40:5 41:11 41:22 42:1 45:14 46:4 77:10 stopping 89:24 stops 126:1 store 28:13,14 129:1 story 90:16 street 1:17 2:4,11,20 33:3,5,7,8 34:2,5 37:16 38:5,18 39:10,11,15 39:15,16,18 39:21 40:2 40:17,18 41:6 48:11 121:8 123:4 123:10 126:18,18 129:5 130:16 133:9 135:1 135:5 streets 13:6 strike 57:4 122:14 strong 56:21 87:24 126:22,23 struggle 60:2 61:10 69:4 80:15 82:22 121:24 122:9,22 126:14 struggled 123:2	struggling 58:12 60:5 71:20 77:10 79:1,11 stuck 50:19 51:22 116:5 stuff 70:16 99:24 subdued 78:20 81:13 subject 42:2,5,13 43:20 85:15 108:7,9 subjects 40:13 41:4,12 41:19 46:21 47:19 submit 135:13 Subscribed 132:20 subsequently 62:17 122:14 substance 113:13,14 sue 111:17 sued 23:4 24:4 113:12 suit 134:10 Suite 1:17 2:4,11 133:9 135:1 summary 92:22 93:4,5,7 93:11,12 supervisor 114:24 supervisors 115:2 supposed 97:22 113:22 suppress 6:19 101:17 sure 6:4 8:13 9:16 15:14 18:13 24:7 30:19 35:2 46:8 51:21 55:12 57:3,4 69:18 69:19,20 70:4 73:16 75:18 77:5 81:4 82:6,9 83:23 85:10 85:17 95:1 96:4 106:15 114:20 127:6 suspended 24:18 suspicion 121:2 suspicions 120:24 suspicious 35:22 36:5 43:11,13,17 44:2,7,10 51:4 61:18 61:19 115:20 118:2 sustained 23:13 swinging 55:2 66:18 sworn	4:3 6:8 132:12 132:20 133:16 system 116:7 T 3:14 tactic 24:17 tactical 117:12,13 take 5:24 6:2,3 20:19 29:21 29:22 38:17 45:20 64:20 91:19 taken 1:14 4:9 20:21 45:22 79:23 84:20 85:3 107:21 132:13 135:7 talk 5:16,18 17:19 17:20,23 18:8 43:4 47:5,8 86:21 89:13 98:5 110:7,9,14 110:19 111:5 111:10,11 113:18 talked 17:17 18:2,4,9 18:12,13,14 28:7 85:10 85:12 86:6 86:21,21 90:1,11 98:13 105:17 109:4,11,23 112:23 116:18 talking 18:23 19:1,2,3 19:6,7 28:19 81:15 86:14 86:15 95:15 96:9 108:22 111:3,3 112:17,24 123:6 tall 7:22 team 57:24 tell 13:23 14:2 18:11,12 22:1 25:24 43:8 48:6 51:11,15 56:2,3 61:17 62:2 73:4 85:5 89:17 89:21 90:11 95:19 100:3 115:24 117:7 127:4 telling 54:24 78:21 101:5,14 108:12 tensed 56:20 tension 59:3 tern	120:9 terms 17:18 55:19 87:1 97:22 98:2,15,17 126:1 128:9 testified 6:9 80:22 111:4 114:9 testify 106:10 133:16 testifying 7:4 testimony 8:14,16 61:24 63:6 101:17 101:19 133:18,24 134:12 Thank 10:21 67:16 80:23 86:1 129:24 thereof 134:11 thing 19:4 46:2 55:14 72:1 86:5 89:22 110:5 116:8 things 17:13 70:13 110:24 130:14 think 7:17 27:16 32:24 35:3 38:11,12 42:19 57:22 76:15 82:5 87:14 95:16 99:23 105:11 112:21 114:13 131:1 third 29:17,19,23 58:13 thought 30:9 31:14 38:8,9 115:19 116:3 threat 125:15,20 126:4 three 8:23 29:22 45:11,13 46:4,9 61:8 62:7,11,13 62:17 63:1 64:16 65:7 65:13 66:4 68:21 68:21 69:6 74:21 112:24 122:8 throw 58:21 59:6 throwing 59:8 throws 68:3 time 10:5 13:12 20:12 22:23 24:22 27:8 27:23 29:17 29:19,20,24 31:15 32:16 32:20 33:23 36:12 42:19 43:20,22	45:12 46:18 50:16 52:3,8 58:14 60:19 62:3 63:24 64:4,8 65:10 65:19 68:19 68:20,24 71:19 72:16 72:17,24 73:11 74:20 74:22 78:5 80:1,18 86:17,20 87:10 88:3 92:7,10 96:14 100:16 101:7 113:23 114:15 117:11,20 121:1,24 122:4,15 128:17 129:10 tires 34:18,20 today 6:13 7:4 100:6 100:7 101:20 109:4,10 today's 73:17 told 12:24 24:7 26:7,12 48:2 49:17 51:19 51:21 52:15 52:20 53:6 56:8,14 65:15,21 68:13 71:1 78:23 79:3 79:12 83:6 84:10 87:6 88:22 90:7 90:15,17,22 93:9,12 94:3 95:13 98:12 99:1 101:3 101:12 top 68:8 70:6 Torres 1:9 17:11 18:3 19:16 20:6,8 27:18 30:10 30:13,16,19 32:2 33:17 38:7,9 41:13 41:16 48:16 48:22 49:19 49:23 50:1 50:11 52:3,6 53:19,21,24 54:16,21,24 55:5,9 58:6 56:14 58:17 60:11,12,13 60:15,21,22 60:24 61:5,5 61:10,16,21 61:23 62:21 63:20 65:16 65:20 66:2 67:24 69:13 69:17,19 72:12 85:6,8 86:2,18 87:3 87:6 88:4 89:11 91:3 96:2,5 98:1 98:6 109:23	110:8,9,11 110:15,19 111:11,14 112:10,14 113:8 122:1 122:5 130:6 132:9 Torres's 60:8 125:16 toss 95:15 tossing 75:20 total 8:13,15 27:16 totally 55:2 68:4 touch 53:2,8 tour 98:18 to-wit 133:7 traffic 12:13,14,16,19 12:22 13:2,6 123:19,24 124:5 trained 15:9 27:14 124:10 125:24 126:3 training 15:3,8,13,14 15:16,17,23 16:3,8 19:18 27:10 transcript 5:20 104:5 132:15 133:23 135:10,13,14 Transcription 133:22 transferred 82:5 transported 79:23 81:3 84:22 traveled 85:9 tried 23:20 79:15 95:17 116:7 trouble 38:13 true 93:2 105:22 133:23 trunk 78:17,20 truth 101:6,14 133:16,17,17 truthful 108:14 truthfully 4:22 7:4 try 5:5,10,15,18 43:4 57:21 57:22 62:4 62:15 66:3 66:10 trying 8:15 10:15 29:14 54:23 58:9,23,24 57:3,6 58:3 58:10,20,21 59:5,6,10,20
---	--	---	--	--	--

60:6,13 61:4 63:6,12,13 63:24 66:9 66:18,19 67:8,22,23 67:23 68:2 69:23 70:17 70:22 71:8 71:15,16 73:11 75:21 79:13,14 80:15,16 83:13 87:18 88:10,15 97:2 111:1,5 111:17 114:6 125:3 126:12 126:20	undetermined 133:11 unfounded 23:12 uniform 55:22 61:13 74:23 81:8 uninterrupted 31:3 unit 12:13,17 117:12,13 United 1:1,13 132:1 University 1:7 2:15 7:9 7:12,15 8:9 8:11 9:2,11 9:17 10:6,10 13:10,13,17 14:7,15 15:5 18:4,9,16,21 17:1,3,5,17 18:5 27:14 28:2 55:24 71:3,6,11,17 71:18 72:3,8 72:10,14,18 72:21 73:2,7 73:18 74:23 96:21 97:4 100:4 107:7 108:11,19 115:13 117:15,20 118:4,10 119:1 121:7 121:13,17 132:7 133:13 135:8	61:19 63:20 63:21,24 64:3 89:23 89:24 115:20 118:2,13 120:8,21 123:3,5 124:4,15,20 124:24 125:1 125:8 127:9 128:7 130:6 vehicles 119:7,13,14 120:3,4,13 verbal 56:11 verbally 5:11 verbatim 85:14 113:5 versus 34:16 vestibule 47:22,24 48:2 vicinity 78:11 128:2,13 view 130:18 visible 128:3 vs 1:6 132:6	66:6,8 67:9 85:13 87:4 116:8 117:13 124:5 129:18 134:9,10 weakling 128:22 weapon 86:12 130:19 wearing 76:7 115:3 week 13:22,23 weigh 7:24 8:2 weight 62:7 66:1 went 15:10 18:15 19:11 57:23 60:2 63:1 64:23,24 65:2,24 76:6 84:11,12,15 84:18 85:6 87:15 95:16 111:6,10,11 126:19 weren't 71:15 113:8 West 2:4 westbound 33:7 Western 7:9,11,15 We'll 28:2 98:5 102:12 we're 20:22 23:17 45:23 54:23 57:6 60:5,6 66:6,9 67:9 67:24 69:23 70:6,7,7 75:20 78:9 86:13,14 97:21 107:22 108:3 111:7 130:20 WHEREOF 134:12 white 107:6,11 114:24 115:3 wind 88:4 winded 88:6 wire 116:7,19 wired 119:7,14 wiring 116:19 witness 3:2 4:3,6,10 4:14,23 5:6 5:14,23 6:6 10:18,21 21:8,21 23:20,24 25:20 30:1 34:21 36:13 42:21 57:18 58:6,15 62:4 65:15 76:24 99:12 100:13 104:6 107:23 109:18 111:1	119:23 123:22 125:21 133:19,20,24 witnesses 82:13 112:18 word 76:24 wording 102:6 words 63:7 70:15,23 70:24 86:6 work 11:6 13:9,22 worked 8:10 9:1,10 10:9 11:2 117:8,9,13 working 9:20,21,24 10:3,5,13,16 13:13,16,17 14:4 19:20 21:13 24:14 24:17 25:17 86:13 117:21 120:12 wouldn't 75:2 wrestle 57:22 115:11 wrestling 55:1 56:13,15 56:18 57:7 57:10,13,16 57:21,24 58:8 75:23 87:18,21 wrist 87:7,8,17 93:14 write 25:22 80:22 101:24 102:4 102:6 104:14 written 25:16,19,21 92:22 wrong 82:24 94:18,19 95:3 111:17 wrongful 24:12 wrote 91:1 94:2 104:16,21 105:4,16 WTF 56:15 58:1	90:12 117:5 120:10,14 126:7 127:16 128:23 young 59:21 60:6 85:21 87:1 87:23 122:13 123:2 126:22 128:23 0 00113 91:19 00114 91:19 01114 92:21 0114 91:17 084-004329 1:23 09 1:6 132:6 135:7 1 10 106:24 135:7 10th 1:18 132:13 133:7 10-1 61:12 102 3:17 108 3:18 1080 1:6 132:6 135:7 109 14:23,23 91:17 11 3:17 102:12,14 108:4,6,8 11:00 19:24,24 114 3:5 115 3:6 12 3:18 106:5,7 108:19 108:3 130 3:7 132:16 18 105:24 18th 4:19 10:10 14:22 15:4 15:11,15 16:5,10,15 17:6 18:4 19:12,21 27:11 28:8 74:14 82:14 91:6 93:10 96:22 103:10 107:11 109:3 109:10,24 110:10 115:7 1980's 57:24 1982 119:9 1971 7:13 1972
turn 34:20 106:23 107:3 turned 45:14 46:10 128:5 turning 56:22 two 8:23 39:13 40:10,13 41:4,12,19 45:11,12 48:3,9,21 47:17,19 48:16 63:19 74:21 75:1 77:8,9,18,23 83:9,11 90:1 100:1 108:8 124:19,23 125:17 127:5 127:8 type 23:23 typewriting 133:21 typically 118:1 121:17 124:2,3	unusual 127:7,12 129:2 use 22:8 61:10 63:8 66:10 usher 52:23 ushered 53:7 ushering 53:3 usually 118:4	waiting 109:18 waiving 108:9 walk 43:17 44:3 52:10,12 80:6,21 124:15,20 127:22 walked 40:16 41:5 45:10,12 46:3,7,9 125:11,18 walking 29:2 44:5,11 46:17 127:24 128:1 130:15 want 6:2 12:6 25:24 31:14 34:22 82:8 92:13 98:23 103:2 109:9,16,20 wanted 62:5 129:14,23 wante 109:13 wasn't 12:16 34:17 35:3 55:11 70:16 84:9 114:10 watch 18:11 19:22 watched 56:16 58:2 watching 34:5 43:6,8 46:17 way 5:5,12 19:10 23:17 25:7 25:12,13 29:22 36:2,2 43:5,7 52:23	wasn't 71:15 113:8 West 2:4 westbound 33:7 Western 7:9,11,15 We'll 28:2 98:5 102:12 we're 20:22 23:17 45:23 54:23 57:6 60:5,6 66:6,9 67:9 67:24 69:23 70:6,7,7 75:20 78:9 86:13,14 97:21 107:22 108:3 111:7 130:20 WHEREOF 134:12 white 107:6,11 114:24 115:3 wind 88:4 winded 88:6 wire 116:7,19 wired 119:7,14 wiring 116:19 witness 3:2 4:3,6,10 4:14,23 5:6 5:14,23 6:6 10:18,21 21:8,21 23:20,24 25:20 30:1 34:21 36:13 42:21 57:18 58:6,15 62:4 65:15 76:24 99:12 100:13 104:6 107:23 109:18 111:1	wouldn't 75:2 wrestle 57:22 115:11 wrestling 55:1 56:13,15 56:18 57:7 57:10,13,16 57:21,24 58:8 75:23 87:18,21 wrist 87:7,8,17 93:14 write 25:22 80:22 101:24 102:4 102:6 104:14 written 25:16,19,21 92:22 wrong 82:24 94:18,19 95:3 111:17 wrongful 24:12 wrote 91:1 94:2 104:16,21 105:4,16 WTF 56:15 58:1 X X 3:1,14 Y yeah 8:4 10:4,19,20 23:20 48:3 51:21 57:2 58:6 83:20 92:18 96:4 99:18 100:9 112:23 113:6 123:20 year 7:7,16,20 years 4:12 8:6 11:5 12:6 19:5,8	young 59:21 60:6 85:21 87:1 87:23 122:13 123:2 126:22 128:23 0 00113 91:19 00114 91:19 01114 92:21 0114 91:17 084-004329 1:23 09 1:6 132:6 135:7 1 10 106:24 135:7 10th 1:18 132:13 133:7 10-1 61:12 102 3:17 108 3:18 1080 1:6 132:6 135:7 109 14:23,23 91:17 11 3:17 102:12,14 108:4,6,8 11:00 19:24,24 114 3:5 115 3:6 12 3:18 106:5,7 108:19 108:3 130 3:7 132:16 18 105:24 18th 4:19 10:10 14:22 15:4 15:11,15 16:5,10,15 17:6 18:4 19:12,21 27:11 28:8 74:14 82:14 91:6 93:10 96:22 103:10 107:11 109:3 109:10,24 110:10 115:7 1980's 57:24 1982 119:9 1971 7:13 1972

7:13	117:5 126:7	134:21		
1975	127:16	85		
11:14 119:10	263-0052	117:11		
1976	135:22	86		
119:10		117:12		
1985	<u>3</u>			
11:17,18	3	<u>9</u>		
1998	99:3,7 107:3	9		
117:14	3rd	7:23		
	117:9,14,17,22	9th		
<u>2</u>	30	8:17,20,21,24		
2	2:20 127:5	9:7,10,12		
91:16 92:19,21	300	10:6 101:3		
2:22	1:18 2:4,11	110:14,16		
1:19 4:2	133:9 135:1	111:12,15,21		
2:30	312	90's		
48:13 128:19	2:6,13,22	22:16 24:16		
128:22,24	135:22	900		
20	330	2:20		
19:5 127:5	2:4	98		
20th	345-8877	12:17,18		
6:17 100:19	2:6			
101:11,18	<u>4</u>			
106:11	4			
112:14 113:9	99:4,7			
200	<u>5</u>			
8:1,2 135:1	5			
2007	7:23			
9:18 10:10	5:15			
2008	131:6			
4:19 8:3 14:22	53rd			
15:4,11,15	33:5,7 34:1,5			
16:6,10,15	37:16,18			
17:6 18:4	38:5,18			
19:12,21	39:11,15,21			
27:11 74:14	40:2,17,19			
82:14 91:6	41:6 48:11			
93:10 96:22	129:4,10			
101:4 103:10	55			
107:12 109:3	115:9 128:22			
109:11,24	56			
110:11,15	8:6 25:22 28:1			
111:12,15	88:1			
115:7	57			
2009	25:22			
1:19 6:17 8:21	<u>6</u>			
9:7,10,15,18	6			
9:21,22,24	3:4 132:16			
10:1,11,14	6th			
10:14 11:11	11:17,18			
12:10 13:14	134:14 135:4			
27:24 28:8	60601			
100:19	2:12			
101:11,18	60601-1014			
106:11	135:2			
108:16	60602			
112:14 113:9	2:21			
132:14 133:8	60606			
135:7	2:5			
2010	<u>7</u>			
132:22 134:14	7:00			
135:4	19:24 20:1			
205	704-3000			
8:4	2:13			
21	7040			
87:24	117:9			
21st	744-3982			
79:24 84:12,15	2:22			
84:18 85:6,9	<u>8</u>			
87:4 88:23	8			
89:1 94:9,12	108:3			
94:21 96:2	8th			
97:9,11	11:11			
108:15	84-4329			
21-year				
115:11				
222				
1:17 2:11				
133:8 135:5				
24				
11:5 12:6				

EXHIBITS



THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Illinois,

Plaintiff

No. _____

v.

Defendant

CHARLES D.

MOORE, CLARENCE E.

(Complainant's Name Printed or Typed)

complainant, now appears before

the Circuit Court of Cook County and states the following:

That: BOYLE, CHARLES of 6733 SOUTH CHAPEL has, on or about
(Defendant) (Address)18 OCT 08, at the location of 1435 EAST 53RD ST, Chicago, Cook County, IL
(Date) (Place of Offense)

committed the offense(s) of RESISTING OR OBSTRUCTING A PEACE OFFICER
 in that he knowingly resisted the performance of PO Moore of an authorized
act within his official capacity to be a peace officer engaged in the
execution of his duties, in that he resisted an investigatory stop
by failing to produce ID and became combative by flailing his arms

in violation of 720 Illinois Compiled Statutes
(Chapter)

(Act)

(Sub Section)

AOIC Code

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STATE OF ILLINOIS } ss:
COOK COUNTY

The complainant, being first duly sworn on oath, deposes and says that s/he read the foregoing complaint by him/her subscribed and that the same is true.

Subscribed and sworn to before me on this 18 day of OCTOBER, 2008C. Moore

(Judge's/Clerk's/Law Enforcement Officer's Signature)

X P.O. Clarence E. Moore
(Complainant's Signature)# 17246

(Law Enforcement Officer's Badge No.)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

SUMMONS ISSUED, Judge _____ Judge's No. _____
orWARRANT ISSUED, Bail set at: _____
or

BAIL SET AT: _____ Judge _____ 000015 Judge's No. _____

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

ORIGINAL - COURT FILE

34-2 4 DEC 10 900 CAD/COOK
 (Court Branch or District #) (Court Date/Time) (Arresting Agency #)

Misdemeanor Complaint (This form replaces ECG-0655, CCMC-0222 & ECMC-0225)

CCCR N654-100M-10/10/06

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of State of Illinois,

Plaintiff

No. _____

BOYLE, CHARLES D.

Defendant

MOORE, CLARENCE E.

(Complainant's Name Printed or Typed)

, complainant, now appears before

the Circuit Court of Cook County and states the following:

That: BOYLE, CHARLES (Defendant) of 6733 SOUTH CHAMPEL (Address) has, on or about

18 OCT 08 (Date)

at the location of 1435 EAST 53RD ST Chicago, Cook County, (Place of Offense)

committed the offense(s) of RESISTING OR OBSTRUCTING A PEACE OFFICER in that he KNOWINGLY RESISTED THE PERFORMANCE OF PO Moore OF AN AUTHORIZED ACT WITHIN HIS OFFICIAL CAPACITY TO BE A PEACE OFFICER ENGAGED IN THE EXECUTION OF HIS DUTIES, IN THAT HE RESISTED AN INVESTIGATORY STOP / FAILING TO PRODUCE TO AND BECAME COMBATIVE BY FLAING HIS GUNS in violation of 720 Illinois Compiled Statutes 5-31-1 (Chapter) (Act) (Sub Section)

AOIC Code

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STATE OF ILLINOIS } ss:
 COOK COUNTY

The complainant, being first duly sworn on oath, deposes and says that s/he read the foregoing complaint by him/her subscribed and that the same is true.

Subscribed and sworn to before me on this 18 day of OCTOBER, 2008

C. Menta

(Judge's/Clerk's/Law Enforcement Officer's Signature)

17246

(Law Enforcement Officer's Badge No.)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

SUMMONS ISSUED, Judge _____

WARRANT ISSUED, Bail set at: _____

BAIL SET AT: _____ Judge _____

Judge's No.

000016

Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

ORIGINAL - COURT FILE

34-2 4 DEC / 0900 CPD / Cook
 (Court Branch # or District #) (Court Date/Time) (Arresting Agency #)

Misdemeanor Complaint (This form replaces CCG-0655, CCMC-0222 & CCMC-0225)

CCCR N654-100M-10/10/06 ()

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of State of Illinois,

Plaintiff

v.

No. _____

BOYLE, CHARLES D.

Defendant

MOORE, CLARENCE E.

(Complainant's Name Printed or Typed)

, complainant, now appears before

the Circuit Court of Cook County and states the following:

That: BOYLE, CHARLES (Defendant) of 6733 SOUTH CHAMPEL (Address) has, on or about

18 OCT 08 (Date)

at the location of 1435 EAST 53RD ST Chicago, Cook County, IL (Place of Offense)

committed the offense(s) of RESISTING OR OBSTRUCTING A PEACE OFFICER in that he knowingly resisted the performance of PO Moore of an authorized act within his official capacity to be a peace officer engaged in the execution of his duties, in that he resisted an investigatory stop of a stolen car by a peace officer and fled his car in violation of 120 Illinois Compiled Statutes (Chapter) 5 (Act) 31-1 (Sub Section)

AOIC Code

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STATE OF ILLINOIS }
 COOK COUNTY } ss:

The complainant, being first duly sworn on oath, deposes and says that s/he read the foregoing complaint by him/her subscribed and that the same is true.

X P.O. Clarence E. Moore
 (Complainant's Signature)

5355 S. ELLIS
 (Complainant's Address)

773-702-81-81
 (Complainant's Telephone)

X P.O. Clarence E. Moore
 (Complainant's Name Printed or Typed)

X P.O. Clarence E. Moore
 (Complainant's Signature)

Subscribed and sworn to before me on this 18 day of OCTOBER, 2008

C. Master

(Judge's/Clerk's/Law Enforcement Officer's Signature)

17246

(Law Enforcement Officer's Badge No.)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

SUMMONS ISSUED, Judge _____ Judge's No. _____
 or

WARRANT ISSUED, Bail set at: _____
 or

BAIL SET AT: _____ Judge _____ Judge's No. _____

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

ORIGINAL - COURT FILE

000018

34-2 4 DEC/0900 CPD/COOK
 (Court Branch #) (Court Date/Time) (Arresting Agency #)

Misdemeanor Complaint (This form replaces CCG-0655, CCMC-0222 & CCMC-0225)

CCCR N654-100M-10/10/06 ()

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of State of Illinois,

Plaintiff

v.

No. _____

BOYLE, CHARLES D.

Defendant

TORRES, LARRY #1028 U OF C POLICE
 (Complainant's Name Printed or Typed)

complainant, now appears before

the Circuit Court of Cook County and states the following:

That: BOYLE, CHARLES D. of 6733 SOUTH CHAPPEL has, on or about
 (Defendant) (Address)

18 OCT 08, at the location of 1435 EAST 53RD STREET, Chicago, Cook County IL
 (Date) (Place of Offense)

committed the offense(s) of RESISTING OR OBSTRUCTING A PEACE OFFICER
 (that) he KNOWINGLY RESISTED THE PERFORMANCE OF PO TORRES OF AN
 AUTHORIZED ACT WITHIN HIS OFFICIAL CAPACITY TO BE A PEACE OFFICER
 ENGAGED IN THE EXECUTION OF HIS DUTIES, IN THAT HE RESISTED AN
 INVESTIGATORY STOP BY FAILING TO PRODUCE ID AND BECAME COMBATIVE BY
 FLAILING HIS ARMS
 in violation of 120 Illinois Compiled Statutes 5 /31-1
 (Chapter) (Act) (Sub Section)

AOIC Code

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STATE OF ILLINOIS } ss:
 COOK COUNTY

The complainant, being first duly sworn on oath, deposes and says that s/he read the foregoing complaint by him/her subscribed and that the same is true.

Subscribed and sworn to before me on this 18 day of OCTOBER, 2008

C. Macth
 (Judge's/Clerk's/Law Enforcement Officer's Signature)

X J. Torres
 (Complainant's Signature)

5555 S E 111 S
 (Complainant's Address)

773-802-8181
 (Complainant's Telephone)

X J. Torres L TORRES
 (Complainant's Name Printed or Typed)

X J. Torres
 (Complainant's Signature)

#12246
 (Law Enforcement Officer's Badge No.)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

MONS ISSUED, Judge _____ Judge's No. _____
 or

WARRANT ISSUED, Bail set at: _____

BAIL SET AT: _____ Judge _____ Judge's No. _____

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

000019

EXHIBIT A

34-2 4 DEC 10 900 CPD/COOK
 (Court Branch # or District #) (Court Date/Time) (Arresting Agency #)

Misdemeanor Complaint (This form replaces CCG-0655, CCMC-0222 & CCMC-0225)

CCCR N654-100M-10/10/06 ()

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of State of Illinois,

Plaintiff

v.

No. _____

BOYLE, CHARLES D.

Defendant

TORRES, LARRY #1028 UOFC POLICE

(Complainant's Name Printed or Typed)

complainant, now appears before

the Circuit Court of Cook County and states the following:

That: BOYLE, CHARLES D. of 6733 SOUTH CHAPPEL has, on or about

(Defendant)

(Address)

18 OCT 08

(Date)

at the location of 1435 EAST 53RD STREET, Chicago, Cook County

(Place of Offense)

committed the offense(s) of RESISTING OR OBSTRUCTING A PEACE OFFICER
 (that he) KNOWINGLY RESISTED THE PERFORMANCE OF DUTIES OF AN
 AUTHORIZED ACT WITHIN HIS OFFICIAL CAPACITY TO BE A PEACE OFFICER
 ENGAGED IN THE EXECUTION OF HIS DUTIES, IN THAT HE RESISTED AN
 INVESTIGATORY STOP BY FAILING TO PRODUCE ID AND BECAME COMBATIVE BY
 FAILING TO FOLLOW INSTRUCTIONS TO

in violation of

(Chapter)

Illinois Compiled Statutes

(Act)

(Sub Section)

AOIC Code

--	--	--	--	--	--	--	--

STATE OF ILLINOIS } ss:
COOK COUNTY

The complainant, being first duly sworn on oath, deposes and says that s/he read the foregoing complaint by him/her subscribed and that the same is true.

Subscribed and sworn to before me on this 18 day of OCTOBER, 2008

(Judge's/Clerk's/Law Enforcement Officer's Signature)

(Law Enforcement Officer's Badge No.)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

SUMMONS ISSUED, Judge _____

WARRANT ISSUED, Bail set at: _____ Judge's No. _____

BAIL SET AT: _____ Judge _____

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

ORIGINAL - COURT FILE

Judge's No.

000020

34-2 4 DEC 10 900 CPD/COOK
 (Court Branch # or District #) (Court Date/Time) (Arresting Agency #)

Misdemeanor Complaint (This form replaces CCG-0655, CCMC-0222 & CCMC-0225)

CCCR N654-100M-10/10/06 ()

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of State of Illinois,

Plaintiff

v.

No. _____

BOYLE, CHARLES D.

Defendant

TORRES, LARRY #1028 COFC POLICE
 (Complainant's Name Printed or Typed)

complainant, now appears before

the Circuit Court of Cook County and states the following:

That: BOYLE, CHARLES D. of 6733 SOUTH CHAPEL has, on or about
 (Defendant) (Address)

18 OCT 08
 (Date)

at the location of 1435 EAST 53RD STREET, Chicago, Illinois
 (Place of Offense)

committed the offense(s) of RESISTING OR OBSTRUCTING A PEACE OFFICER

in that he KNOWINGLY RESISTED THE PERFORMANCE OF PD TORRES OF AN
 AUTHORIZED ACT WITHIN HIS OFFICIAL CAPACITY TO BE A PEACE OFFICER
 ENGAGED IN THE EXECUTION OF HIS DUTIES, IN THAT HE RESISTED AN
 INVESTIGATORY STOP OF A SUSPECTIONED BY BECOMING COMBATIVE

in violation of 120 Illinois Compiled Statutes
 (Chapter)

5
 (Act)

131-1
 (Sub Section)

AOIC Code

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STATE OF ILLINOIS } ss:
 COOK COUNTY

X J Torres
 (Complainant's Signature)

5555 S E 111 S
 (Complainant's Address)

773-802-8181
 (Complainant's Telephone)

X J Torres L TORRES
 (Complainant's Name Printed or Typed)

The complainant, being first duly sworn on oath, deposes and says that s/he read the foregoing complaint by him/her subscribed and that the same is true.

X J Torres
 (Complainant's Signature)

Subscribed and sworn to before me on this 18 day of OCTOBER, 2008

C. Maito
 (Judge's/Clerk's/Law Enforcement Officer's Signature)

#17246
 (Law Enforcement Officer's Badge No.)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

SUMMONS ISSUED, Judge _____ Judge's No. _____
 or

WARRANT ISSUED, Bail set at: _____
 or

BAIL SET AT: _____ Judge _____ Judge's No. _____

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

ORIGINAL - COURT FILE

000021

34-2 4 DEC/0900 CPD/Code
 (Court Branch # or District #) (Court Date/Time) (Arresting Agency #)

Misdemeanor Complaint (This form replaces CCG-0655, CCMC-0222 & CCMC-0225)

CCCR N654-100M-10/10/06 ()

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of State of Illinois,

Plaintiff

v.

No. _____

BOYLE, CHARLES D.

Defendant

TORRES, LARRY #1028 UOFC POLICE
 (Complainant's Name Printed or Typed)

complainant, now appears before

the Circuit Court of Cook County and states the following:

That: BOYLE, CHARLES D. of 6733 SOUTH CHAPEL has, on or about
 (Defendant) (Address)

18 OCT 08, at the location of 1435 EAST 53RD STREET, Chicago, Cook County,
 (Date) (Place of Offense)

committed the offense(s) of RESISTING OR OBSTRUCTING A PEACE OFFICER
 in that s/he KNOWINGLY RESISTED THE PERFORMANCE OF PD TORRES OF AN
 AUTHORIZED ACT WITHIN HIS OFFICIAL CAPACITY TO BE A PEACE OFFICER
 ENGAGED IN THE EXECUTION OF HIS DUTIES, IN THAT HE RESISTED AN
 INVESTIGATORY STOP OF A VEHICLE BEING DRIVEN BY A PERSON WHO WAS POSSIBLY
 IN VIOLATION OF 120 Illinois Compiled Statutes 5 (Act) 131-1 (Sub Section)

AOIC Code

--	--	--	--	--	--	--

STATE OF ILLINOIS } ss:
 COOK COUNTY

X J. Torres
 (Complainant's Signature)
 5555 S E 111 S
 (Complainant's Address)
 773-802-8181
 (Complainant's Telephone)
 X J. Torres
 (Complainant's Name Printed or Typed)

The complainant, being first duly sworn on oath, deposes and says that s/he read the foregoing complaint by him/her subscribed and that the same is true.

Subscribed and sworn to before me on this 18 day of OCTOBER, 2008

C. Martin
 (Judge's/Clerk's/Law Enforcement Officer's Signature)

X J. Torres
 (Complainant's Signature)

#17246
 (Law Enforcement Officer's Badge No.)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

SUMMONS ISSUED, Judge _____ Judge's No. _____
 or

WARRANT ISSUED, Bail set at: _____
 or

BAIL SET AT: _____ Judge _____ Judge's No. _____

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

ORIGINAL - COURT FILE

000022

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHARLES BOYLE,)
Plaintiff,)
v.)
UNIVERSITY OF CHICAGO POLICE) No. 09 C 1080
OFFICER LARRY TORRES, et al.,)
Defendants.)



DEFENDANT MOORE'S ANSWERS TO PLAINTIFF'S INTERROGATORIES

NOW COMES the Defendant, UNIVERSITY OF CHICAGO POLICE OFFICER CLARENCE E. MOORE, Star #1012 ("Moore"), by and through his attorneys, Hinshaw & Culbertson LLP, and for his answers to Plaintiff's Interrogatories, states as follows:

PRELIMINARY STATEMENT

Defendant's responses to plaintiff's interrogatories are made solely for the purpose of this litigation. Any response made and any information provided by the defendant through these answers are subject to objections as to the competency, relevancy, materiality, propriety, or admissibility of the information sought in plaintiff's interrogatories and defendant's responses thereto. Any information provided through any answer or response is further subject to any and all other objections that would require the exclusion of any information provided herein if that information is sought to be elicited at any further proceeding including the trial of plaintiff's claims, and/or if the information identified herein is asked of or disclosed by a witness testifying at any further proceeding. All of the aforementioned objections are hereby expressly reserved and may be interposed at a later date.

Any answers or responses herein are based on present knowledge, information and belief, and are made without prejudice to the objections set forth herein. Defendant specifically reserves the right to amend and/or supplement his responses at any time to introduce information

not identified herein if it should it become known at any time through further investigation, and defendant obtains additional or different information from that provided herein. Defendant expressly reserves the right to revise, correct, add to or clarify any answer, response and/or objections set forth below. Defendant further specifically reserves the right to rely upon such facts or documents and persons having knowledge of such facts or documents, as may be derived through future discovery or through his continuing investigation in this matter, or as may be adduced at trial.

Any answer or response set forth below is based on information presently available to defendant, and except for explicit facts expressly set forth herein, no incidental or implied admissions are intended thereby. The fact that defendant has answered, responded or objected to any paragraph of plaintiff's interrogatories or any part thereof, is not intended to be and should not be construed to be an admission by the defendant that he accepts or admits the existence of any facts set forth or assumed by said discovery requests, nor should it be construed as a waiver by the defendant of all or any part of objection to any request for production made by plaintiff. The fact that defendant has answered, responded to, or objected to any paragraph of plaintiff's interrogatories should not be taken as an admission that such answer, response or objection constitutes admissible evidence.

ANSWERS TO INTERROGATORIES

1. Please identify (including title) all persons who assisted in the responses to these interrogatories.

ANSWER: Clarence E. Moore. My attorney, Steven Puiszis, consulted with me in preparing these answers.

2. Please identify all persons, including but not limited to police officers, who witnessed or have knowledge of the incident alleged in the Plaintiff's Complaint.

ANSWER: Objection, the defendant objects to Interrogatory No. 2 because it is vague and ambiguous in that it refers to "the incident alleged in plaintiff's Complaint." Plaintiff's claims include allegations concerning his arrest and the purported use of force against him as well as a state law claim of malicious prosecution. Therefore, the term "incident" as used in Interrogatory No. 2 is vague and ambiguous. Subject to that objection and without waiving same, Officer Clarence Moore and Larry Torres were the original two officers from the University of Chicago on the scene. After the University of Chicago dispatcher called for a 10-1, or officers in need of assistance, other University of Chicago officers responded to the scene including Oscar Galarza, Michael Kwiatkowski, and Arthur Gillespie. Galarza, Kwiatkowski and Gillespie assisted Torres and Moore at some point in getting the plaintiff to the ground and the handcuffing him. Officer Moore injured his left wrist and Officer Galarza injured his shoulder in the process. Officer Gillespie was kicked in the head by the plaintiff, breaking his glasses.

Other officers from the University of Chicago also responded and would have seen the plaintiff either on the ground or in handcuffs or being escorted to a City of Chicago squad car for transportation. Officer Gerald Johnson and a Lieutenant White from the University of Chicago Police Department were on the scene at some point.

Officers from the City of Chicago would have also responded to the scene in connection with a call for assistance and would have transported Charles Boyle to the local police station for processing and would have prepared his paperwork. They would have included Officers Darling and Martin of the City of Chicago. Other ^{officers (thru)} ~~offices~~ from the City of Chicago may also have responded as well, I don't know their names. I believe there were other individuals who were at the scene who may or may not have witnessed some or all of what transpired, including an Ashley Glover, Kenneth Roberson and Steven Sinclair. The defendant's investigation continues.

3. Please identify all persons, including but not limited to police officers, who are believed by defendant to have knowledge supporting Defendant's denials of Plaintiff's allegations. Briefly summarize what knowledge Defendant believes each person may possess.

ANSWER: Objection, defendant objects to this Interrogatory on the grounds that it seeks attorney work-product and is vague and ambiguous in that it seeks parties to identify anyone believed "to have knowledge supporting the defendant" and also asks for a summary of "what knowledge" this defendant "believes each person may possess." That information is more proper the subject of a deposition and to require the provision of such a summary is overbroad, harassing and unduly burdensome. Subject to those objections and without waiving same, see those individuals listed in Interrogatory No. 2 and defendants who were identified in the University of Chicago defendants' Rule 26 Disclosures. The University of Chicago officers would have knowledge of their activities at the scene of the occurrence and subsequent thereto.

4. Identify all police officers who were present at or near 1435 East 53rd Street, Chicago, Illinois 60615 at the time of the incident alleged in the complaint, and for each such officer indicate the following:

- a. Why he/she was at that location;
- b. Whether he/she had any physical contact with Plaintiff;
- c. Whether he/she participated in the arrest of Plaintiff;
- d. Whether he/she participated in the search of Plaintiff;
- e. Whether he/she had any participation in the bringing of criminal charges against Plaintiff.

ANSWER: Objection. Defendant objects to this Interrogatory as being vague and ambiguous in that it refers to the incident alleged in the Complaint and plaintiff's claims against the defendant include assertions relating to his arrest and to the purported use of force against him as well as a state law claim of malicious prosecution. Subparagraph (e) is vague and ambiguous in that you fail to define what you mean by "any participation in the brining of the

criminal charges.” Subject to those objections and without waiving same, see my answer to Interrogatory No. 2.

Officer Torres and I had just stepped out of a Dunkin Donuts after getting coffee when they observed a vehicle drive past them with its horn continuously blowing and then observe the vehicle swerve to the curb and bump it. They initially investigated what was happening. The other officers from the University of Chicago responded to a dispatch indicating that Officers Moore and Torres needed assistance. The University of Chicago officers Moore and Torres initially attempted to handcuff the plaintiff who refused to allow himself to be handcuffed and the other officers including Aguilar, Kwiatkowski and Gillespie assisted in attempting to get the plaintiff onto the ground and handcuffed.

Officer Torres and I would have explained what happened at the scene of the incident to City of Chicago officers who would then prepare the arrest paperwork and the Complaints were signed by both me and Officer Torres.

5. If there were any investigations, including, but not limited to, an internal affairs, or O.P.S., investigation, relating to the incident alleged in Plaintiffs’ Complaint, please state who conducted and/or took part in it, and state and describe its findings.

ANSWER: I do not personally know of any such investigation. However, my attorneys are aware that the plaintiff, using an alias, Charles Boyle made a complaint apparently under the name Charles D’Angelo.

Sergeant Kevin Murray was principally involved in the investigation of that complaint. Sergeant Chisem of the University of Chicago would also have knowledge concerning plaintiff’s complaint using the name of Charles D’Angelo, and Investigator Salvatore of the Independent Police Review may have knowledge of a conversation with the plaintiff in which he refused to tell him about the incident and said “he had another way he was going to deal with this” or words to that effect.

Ultimately, the complaints filed by Plaintiff under the name of Charles D'Angelo were "unfounded" because of his refusal to participate in the investigation. Sergeant Murray's efforts to speak with the plaintiff are outlined in letters and in transcripts of phone calls that he made, copies of which were produced by the defendants and Bates stamped numbers U-C0001-0039.

6. State whether you sustained any physical injury during your interaction with plaintiff on or about October 18, 2008. If yes, describe your injury. Additionally, if you received any medical treatment of your injury state the date(s) of your treatment and identify the medical provider(s).

ANSWER: I injured my left wrist. I believe it was sprained and I treated it with ice and range of motion exercises. I understand that Officer Gillespie was kicked in the head during the incident and his glasses were broken. I also understand that Officer Galarza injured his shoulder, but I do not know what treatment he received.

7. Please state and describe your understanding of the policies and customs which govern the writing of any kind of log and/or report including, but not limited to, complaint report, arrest report, search report, property report, supplemental report, or otherwise, (1) when an individual is arrested for interfering with a public officer — resisting/obstructing/disarming an officer and (2) when the custody of an arrestee is transferred to the City of Chicago Police Department. Included in this response, must be when a log, report, or other document is to be written, on what type of form it is to be written, and what facts are to be put in such log, reports, or other document.

ANSWER: Objection. This interrogatory is vague and ambiguous in that it asks for "policies or customs" governing the writing of reports, logs, etc. Over that objection and without waiving same, my understanding is that any report I write should be an accurate summary of an event as best as I can recall it. Because it is only a summary, it cannot include all of the facts and may not incorporate facts that others deem important when reviewing an incident well after the fact. I am not aware of anything specific as it relates to interfering with a police officer or resisting or obstructing a police officer other than any report should be an accurate summary. University of Chicago employees are permitted to detain individuals who commit crimes and we turn any such person over to the Chicago Police who will then transport that person to a local

police station and process that person, including taking booking photos, filling out arrest reports, filing criminal complaints and seeking approval by the State's Attorney working felony review of felony charges. While University of Chicago employees write out our own reports, we do not prepare criminal complaints and do not process an arrestee during the booking process.

8. Please state how long and in what capacity you have been employed by the University of Chicago Police Department. Your response should include a brief description of your change in assignments and/or rank if any, and when those changes occurred. Your response should also include whether you were concurrently employed by the City of Chicago as a police officer at any time during your employment with the University of Chicago Police Department.

ANSWER: The date of the incident involving Charles Boyle, was my second day on the job for the University.

9. Please describe your assignment with the University of Chicago Police Department on October 18, 2008. Your response should include the actual time you began and ended your duties.

ANSWER: On October 18, 2008, I was working on the midnight shift for the University of Chicago on assignment 109. I was riding along with Officer Larry Torres to learn the University's procedures.

10. State the case number, caption, and jurisdiction of all civil cases in which you were named a defendant during the course of your employment with the University of Chicago Police Department and/or the City of Chicago Police Department.

ANSWER: Defendant objects to this Interrogatory in that it is overbroad, unduly burdensome, harassing, and not designed to lead to the discovery of relevant or admissible information in that it seeks information about all civil cases in which I was named a defendant irrespective of whether a lawsuit was filed against me in a capacity other than as police officer. Additionally, the Interrogatory is overbroad, unduly burdensome, and not designed to lead to the discovery of relevant information since it does not seek information about other lawsuits that are substantially similar in nature. Subject to those objections and without waiving same, I do not

recall ever having been sued as a Chicago Police Officer and I have never been previously sued in my capacity as a University of Chicago Police officer.

11. Identify all complaints (and the names of all complainants), including but not limited to, complaints of false arrests, excessive use of force, unlawful search and/or seizure, perjury, malicious prosecution, or general misconduct which have been lodged against you during the course of your career with the University of Chicago Police Department. Your response should list each number, such as complaint register number, that has been assigned to each complaint, indicate when each investigation was concluded, and state the nature of punishment, if any, received by the defendant as a result of the complaint.

ANSWER: Defendant objects to this Interrogatory in that it is overbroad, unduly burdensome, harassing, and not designed to lead to the discovery of relevant or admissible information in that it seeks information about all civil cases in which I was named a defendant irrespective of whether a lawsuit was filed against me in some capacity other than as police officer. Additionally, the Interrogatory is overbroad, unduly burdensome, and not designed to lead to the discovery of relevant information since it does not seek information about other lawsuits that are substantially similar in nature. Subject to those objections and without waiving same, I am not aware of any complaints ever having been filed against me with the University of Chicago other than this one. I have not had any complaints filed against me as a Chicago police officer during the past five years.

12. Identify all documents, notes, memoranda, or other writings, including internal investigations statements, police reports, and inter-agency memos which you wrote which relate or refer to the Plaintiff and/or the incident alleged in the Plaintiffs complaint.

ANSWER: Any report, memo or other document which I prepared or wrote would contain my signature at some place on the document. My attorney has informed me that he has produced documents to your attention Bates stamped numbers U/C001-0079. Please see those documents for any that bear my signature.

13. State whether you gave any statement, oral, written or tape recorded, signed or unsigned to an investigator (internal or otherwise) in connection with the incident alleged in the complaint. If yes, state the current location of each original statement.

ANSWER: I did not make any such statement, other than speaking to my attorney and my conversations with my attorney which are privileged from disclosure.

14. State the name and current or last known address of each and every individual you may call as a witness in the trial of this matter.

ANSWER: Defendant objects to Interrogatory No. 14 on the basis that it is premature and seeks work product. Subject to and without waiving said objection, this defendant states this is unknown to me at this time.

15. State whether you ever testified in any court proceeding relating to your interactions with plaintiff on October 18, 2008. If yes, state the date, courtroom, nature of court proceeding, and case number(s) associated with said testimony.

ANSWER: Yes. I was subpoenaed to testify before Judge Thomas Donnelly on January 20, 2009 in Branch 46.

16. State whether you performed any duties of any kind as a University of Chicago Police Officer on January 20, 2009 and/or December 6, 2008. If yes, state the hours you performed your duties, and the location(s) where these duties were performed.

ANSWER: I was subpoenaed to testify before Judge Thomas Donnelly on January 20, 2009 in Branch 46 and appeared at that hearing in my capacity as a police officer for the University of Chicago.

17. State each and every fact that explains each affirmative defense set forth in your answer to the complaint. Identify all witnesses who support each affirmative defense, if any, and state the subject matter of each witness' knowledge.

ANSWER: Objection. This Interrogatory calls for attorney work product. Defendant further objects to this Interrogatory as overbroad, and unduly burdensome and because it seeks information outside of my personal knowledge and calls for a legal conclusion. Defendant further objects that it is unduly burdensome and harassing. Subject to those objections and without waiving same, see the information disclosed in the University of Chicago Defendant's Rule 26(a)(1) Disclosures as well as information disclosed in connection with the University of

Chicago Defendants' Response to Plaintiff's Production Request and these Answers to Interrogatories.

By: Clarence E. Moore
Officer Clarence E. Moore

SUBSCRIBED AND SWORN TO
before me this 26th day of
July, 2009.

Jody A. Donne
Notary Public

